

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 by 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		
Jivan Produce Ltd		
65 Waiuku Road, Pukekohe		
Email: bharat@jivanproduce.co.nz	Phone 0274 728974	Fax

ADDRESS FOR SERVICE OF SUBMITTER		
Full name: Bharat Jivan		
Address for service of person making submission: as above		
Email < bharat@jivanproduce.co.nz >	Phone 0274728974	Fax

TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>
I 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; Objective 2, Objective 3, Objective 4, Policy 1, Policy 2, Policy 3, Policy 4, Policy 5, Policy 6, Policy 7, Policy 8, Policy 9, Policy 11, Rule 3.11.5.1, Rule 3.11.5.5, Rule 3.11.5.7

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

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

We 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.)*

My brother Pravin, and I are 3rd generation vegetable growers. We grow potatoes, onions, lettuce, broccoli and onions for fresh consumption. Our produce is sold predominately around the North Island markets. We supply both the supermarket chains and Independent retailers. We pride ourselves in producing high quality vegetables which are nutritious, safe to eat and grown in a sustainable manner. We are accredited to NZ Global Gap, a good agricultural practice program which is recognised worldwide.

22 staff rely on Jivan Produce for employment, plus we get in extras during the summer harvest. We crop a considerable area of land, made up of leased and owned. 70 % of the land is in the Waikato region.

We feel the unproven land restrictions in P.C.1 to be detrimental to our sustainability. We need to be able to acquire and crop land unhindered and without too much unnecessary "red tape". We need more land to improve our crop rotations, as we are already very intensive and under the proposed rules this will be made too difficult. Also, the growing population needs to be fed and restricting production will only drive food affordability upwards.

The Council needs to acknowledge its social responsibilities and the unintended ramifications from its well-intended policies.

We oppose the provisions of Plan Change 1 for reasons set out in the 'additional sheet for making submission' attached.

I SEEK THE FOLLOWING DECISION BY COUNCIL

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

Please refer to 'additional sheet for making submission' for details of amendments required and parts opposed.

Amend as follows: Please refer to 'additional sheet for making submission' attached.

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.

JOINT SUBMISSIONS

No 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.

SIGNATURE OF SUBMITTER

(Person authorised to sign on behalf of submitter)

(Signature not required if you make your submission by electronic means.)

Signature

SAC

Date

8/03/2017

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.

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	Jivan Produce Ltd do not support the area covered by Chapter 3. The withdrawal of the Hauraki area will result in a duplication of effort through having two submission processes. The resulting rule frameworks has the potential to significantly and adversely affect many growers who will be subject to two sets of rules within a single catchment.	Withdraw PC1 until negotiations have concluded with Hauraki iwi and re-notify PC1 as a single plan.
Chapter 3.11: Background and Explanation	Support with amendment.	There is currently no mention of primary production or specifically, Horticulture, within the background and explanations.	Amend to include and outline of the specific issues facing primary producers and in particular horticulture. Including the fact that horticulture requires additional land to meet future food demands in a way that does not compromise soil structure or health.
3.11.1: Values And Uses For The Waikato And Waipa Rivers	Support	We support the identification of Primary Production as a Mana Tangata value. We do not however consider that PC1 reflects this.	Amend rules within PC1 to reflect 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	Ensuring the social, economic and cultural wellbeing of our communities is essential. The rule framework does not in our view give effect to Objective 2. Commercial Vegetable Growers are now 'capped' to a land area by way of a controlled consent that may be fraught with issues in terms of moving the right to grow with an enterprise. Being unlikely to expand our operations to meet the demands of a growing population, or to enable succession to occur, will have significant adverse effects on the social, economic and cultural wellbeing of the growing communities.	Retain as proposed. Amend rules within PC1 to ensure that social, economic and cultural wellbeing is maintained in the long term.
Objective 3 Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catchment and	Support in part	There are issues with relying on a Nitrogen Reference Point (NRP) for Commercial Vegetable Production systems. Overseer is very inaccurate for modelling vegetable production systems and does not take into account many of the good management practices we may adopt, in its calculations. There is currently	Amend the rules within PC1 to reflect a sub-catchment approach to management of all four contaminants. Remove requirement for Nitrogen Reference Point, unless a suitable alternative to OVERSEER model can be substantiated.

Freshwater Management Unit		no other publicly available system that we are aware of, which will accurately model an NRP for our business. We consider setting short term goals that are measurable is essential if targets are to be met, however, if we are starting from a false platform by adopting an inaccurate NRP in the first instance the numbers will be meaningless. We support the management of all four contaminants equally on a sub-catchment basis.	
Objective 4 People and community resilience	Support in part	Objective 4, much like objective 2 is fundamental to the success of the Plan Change, however the current rule framework undermines the resilience of people and communities in the commercial vegetable production sectors by being too prescriptive and constrictive.	Amend rules within PC1 to enable tailored on farm management and collective sub-catchment management of all four contaminants, specific to the requirements of each sub-catchment and farm. Amend Table 3.11-1 to include attribute targets for sub-catchments. Remove Land Use Change restrictions for those sub-catchments that meet the attribute targets set in Table 3.11-1. Introduce a restricted discretionary activity consent requirement for those changes in land use to occur in sub-catchments that are unable to meet the attribute targets set in Table 3.11-1.
3.11.3 POLICIES			
Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	Support	We support the management of diffuse discharges for all four contaminants.	Retain as proposed
Policy 2: Tailored approach to reducing diffuse discharges from farming activities	Support in part/Oppose in part	We support the use of tailored on farm mitigations through the development of a Farm Environment Plan. We do not however, support the use of OVERSEER for modelling commercial vegetable production systems.	Remove the requirement for a Nitrogen Reference Point in Commercial Vegetable Production systems, unless a viable alternative to the OVERSEER model can be verified.
Policy 3: Tailored approach to reducing diffuse discharges from commercial vegetable production systems	Support in part/Oppose in part	We support providing flexibility to undertake crop rotations, however do not support the use of a Nitrogen Reference Point, in the absence of a suitable modelling system being publicly available. We consider that a 10% decrease from a number that is modelled with a high margin of uncertainty (as is the case with OVERSEER for commercial vegetable production systems) is meaningless. We support utilising a tailored Farm Environment Plan that addresses all	Remove reference to Nitrogen Reference Point, unless a suitable alternative model to OVERSEER can be confirmed. Remove reference to capping of land in commercial vegetable production. Enable flexibility for the growing community.

		four contaminants equally and contributes to cumulatively address diffuse discharges on a sub-catchment basis. We do not support the capping of land in production.	
Policy 4: Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future	Support	We support enabling lower discharges to continue or be established.	Retain as proposed.
Policy 5: Staged approach	Support	We support the staged approach but believe that there is a lack of information available to justify the approach taken within PC1, or that the 10 year attribute targets will be met based upon the current rule framework, particularly in relation to Nitrogen.	Retain as proposed. Amend rules within Plan to reflect justifiable gains to made in 10 year period. We support a sub-catchment approach to management of diffuse discharges.
Policy 6: Restricting land use change	Oppose	Restricting Land Use Change as a Non-Complying Activity from any land use to commercial vegetable production is not acceptable and is too restrictive for growers who need to meet the demands of a growing domestic population. Where a sub catchment meets attribute targets set in Table 3.11-1 we consider that change in land use should be enabled. Where attribute targets cannot be met within the catchment we support the introduction of a restricted discretionary activity to manage change in land use, whereby discretion is restricted to the mitigation of all four contaminants.	Remove Policy 6 from PC1.
Policy 7: Preparing for allocation in the future	Oppose	We consider that diffuse discharges should be managed on a sub catchment basis in Plan Change 1.	Amend the principles in Policy 7 to reflect the allocation of attribute targets on a sub catchment basis in Plan Change 1.
Policy 8: Prioritised implementation	Support in part	Where grower operations do not fit within sub-catchments, we consider that enterprises should be able to manage their resources across a number of sub catchments.. Land available for vegetable production is scarce and managing numerous consents for a single enterprise is complicated.	Retain as proposed, but add to reflect the need for horticultural enterprises to manage diffuse discharges between sub catchments.
Policy 9: Sub-catchment (including edge of field) mitigation planning, co-ordination and funding	Support in part.	We support a sub-catchment approach. This Policy should provide retrospective acknowledgement for enterprises that have historically acted in the best interests of the environment instead of	Amend Policy 9 and rule framework to provide for off-setting within a commercial vegetable production enterprise.

		disadvantaging them through the introduction of a Nitrogen Reference Point, as is currently proposed.	
Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges	Support.	We support Policy 11.	Retain as proposed.
3.11.5 RULES			
3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities	Support	We support Rule 3.11.5.1.	Retain as proposed.
3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production	Support in part provided clarification can be given. If the right to grow cannot move around catchment with the enterprise under this consent type and is instead attached to the land, we oppose this rule.	<p>We consider that a Controlled Activity consent for Commercial vegetable production is suitable provided the duration of the consent is such that it provides some certainty for growers in future business planning and the enterprise is able to move land around the catchment to enable rotations for soil health.</p> <p>If the Controlled Activity is considered to be a land use consent (as opposed to a discharge consent) and is attached to the land, we oppose this rule.</p> <p>We do not support the capping of land area imposed by Rule 3.11.5.5 and instead support the management of diffuse discharges of all four contaminants equally through tailored on farm mitigation (Farm Environment Plan) and on a sub catchment basis.</p> <p>We consider that the introduction of a Nitrogen Reference Point is problematic in the context of this consent. The intention is obviously to enable growers to retire land in one portion of the catchment and utilise the same area of land elsewhere. We question whether the consent will in fact allow land to move with the enterprise, or whether the area of land will be specified and tied to the land itself. We also question how this works in the case of leased land.</p> <p>With regard to the NRP, if a grower can move and retire land parcels within the catchment, does the Nitrogen value move with them from the retired land, in which case does this land then get allocated a residual nitrogen value?</p>	<p>Ensure that consent duration provides future certainty for commercial vegetable growers.</p> <p>Amend to remove capping of land and instead reflect management of land use on a sub-catchment basis. Enable land use change where attribute targets for a sub-catchment are met. Provide for a new Restricted Discretionary Consent requirement to manage land use change in sub-catchment's that do not meet attribute targets.</p> <p>Provide clarification as to how land will be moved and retired within the catchment under the proposed consent (if possible).</p> <p>Clarification as to addressing leased land is sought.</p> <p>Clarification as to whether retired land will be allocated a residual Nitrogen value is sought.</p>

		We do not support the use of a Nitrogen Reference Point.	
New Restricted Discretionary Activity Rule – The management of diffuse discharges of contaminants in sub-catchment's that do not meet attribute targets set in Table 3.11-1	Support	Discretion should be restricted to the management of the diffuse discharges of the four contaminants of concern.	Amend to include Restricted Discretionary Rule for change in land use in sub-catchments that cannot meet sub-catchment specific attribute targets. Relate this to diffuse discharges (effects based).
3.11.5.7 Non-Complying Activity Rule – Land Use Change	Oppose	We oppose the non-complying activity status for land use change to commercial vegetable production. The population of New Zealand is growing rapidly, as are their changing demands. We need to have the ability to respond to changing demands and to provide fresh and affordable quality produce to our communities.	Remove Rule 3.11.5.7 from PC1.