

Submission: Waikato Regional Council's Proposed Healthy Rivers/Wai Ora Plan Change 1 (PC1)

Submission on a publicly notified proposed Regional Plan prepared under the Resource Management Act 1991.

Submitting On: The Waikato Regional Council's Proposed Healthy Rivers/Wai Ora Plan Change 1 (PC1)

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Submission

1. I have reviewed Waikato Regional Council's Proposed Healthy Rivers/Wai Ora Plan Change 1 (PC1) and oppose the Plan Change in its current form.

I am not a trade competitor for the purposes of the submission but the proposed plan has a direct impact on my ability to farm. If changes sought in the plan are adopted they may impact on others but I am not in direct trade competition with them.

2. Thank you for the opportunity to submit on the Waikato Regional Council's Proposed Plan Change 1 (PC1).

My name is Alexander (Lex) Wilcox, and my sons name is Glen Wilcox. We own two blocks of land in the Pukekawa area that is used for commercial vegetable production. My son and I have owned the land for the past 35 years, and in 2012, we began leasing both blocks.

Mercer Ferry Road farm is located within the withdrawn area, and Logan Road farm is within the Waikato at Mercer Br sub-catchment – priority sub-catchment 3.

Both farms are associated with NZGAP, therefore all our environmental mitigations are in place, i.e. sediment traps and retention bunds. On Mercer Ferry Road farm, we have planted a section in Radiata Pine where the land is unsuitable for vegetable production. There is also an area of native bush, which has been left to allow for regeneration.

For future development, we need our land to be able to adapt as markets change, and as our lives change. It would not be economically or socially viable to be locked into one type of market as we need to have options to be a viable business.

3. The table below are the details for the specific provisions of the proposal that this submission relates to and the decisions it seeks from Council. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the plan, including Objectives, Policies, or other rules, or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

No.	Section number of the Proposed Plan Change 1	Support/ Oppose	Submission	Decision sought
3.11.2 Objectives				
3.1	Objective 1 Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit	Support with amendments	Support the intention of Objective 1. Oppose the attribute targets set in Table 3.11-1. The attribute targets are too prescriptive and should align with the National Policy Statement for Freshwater Management (NPS-FM) and Waikato River Authority's (WRA) Vision and Strategy. Objective 1: <ul style="list-style-type: none"> Does not consider all contaminant sources holistically Includes flood/high flow conditions in water quality target data which are considered outliers Does not take into consideration the variability associated with sub-catchments i.e. climate and soil type 	Retain the long-term restoration and protection of water quality for the Waikato and Waipa rivers. Amend PC1 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments, for example Koi Carp, point source discharges, and hydro-dams. Remove flood/high flow conditions from water quality target data. Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.
3.2	Objective 2 Social, economic and cultural wellbeing is maintained in the long term	Support with amendments	Support maintaining the long term social, economic and cultural wellbeing; this must be a foundation objective in PC1. However, PC1 is not achieving Objective 2 because: <ul style="list-style-type: none"> The section 32 analysis is incomplete due to the withdrawal of the Hauraki iwi area. 	Retain the maintenance of long-term social, economic and cultural wellbeing in the Waikato and Waipa catchment communities. Withdraw PC1 until the Hauraki Iwi area and the WRA's Vision and Strategy has been amended. Then conduct a section 32 analysis to investigate the revised impact PC1 could have on society and economy.

			<ul style="list-style-type: none"> • Our Mercer Ferry Road farm is within the withdrawn area and Logan Road farm is within priority sub-catchment 3. Therefore, potentially both of my farms could have a different set of rules, even though they are approximately 4 km apart. • Due to leasing the land, it is our understanding that Glen and I will not have any compliance costs because there is no stock to exclude from waterbodies, and everything else, i.e. FEP, NRP and consent, will up to the lessee. However, if our current lessee walks away because the compliance costs are too high this will directly affect our business and family's wellbeing. • From this, PC1 will highly alter my Pukekawa business and community because they will be undermined through unsustainable and unjustified compliance and mitigation costs, farm devaluation and NRP. • Waikato Regional Council (WRC) have stated they currently have no known means of robustly measuring social, economic or cultural wellbeing. 	<p>Amend rules in PC1 to remove NRP to align with intention of Objective 2.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP to align with intention of Objective 2.</p> <p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments to align with intention of Objective 2.</p> <p>Develop robust indicators to measure social, economic and cultural wellbeing.</p>
3.3	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 with amendments	<p>Support reducing the diffuse discharges in the short-term by 10%, of the overall long-term 80-year water quality targets.</p> <p>However, in general, PC1 incentives high emitters because land users that have a higher NRP have more flexibility and therefore, a higher land value. However, if the NRP stays with the land, or am I given a residual nitrogen</p>	<p>Retain a 10% achievement of the long-term water quality targets set out in PC1 by 2026.</p> <p>Amend rules in PC1 to remove NRP.</p> <p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p>

	Freshwater Management Unit		point? Either way, both options are unacceptable because we have no control over what our pieces of land could be worth. To me, incentivising high emitters to stay high is the opposite effect of what PC1 should achieve to improve the health and wellbeing of the Waikato and Waipa rivers.	Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.
3.4	Objective 4 People and community resilience	Support with amendments	<p>Support people and community resilience – it must be a cornerstone objective in PC1.</p> <p>However, currently PC1 does not meet the requirements of Objective 4. The proposed rules undermine community resilience in the rural communities of the Waikato and Waipa catchments and will adversely impact on social and economic wellbeing in both the short term and long term. The NRP, associated farm devaluation and loss of flexibility, coupled with substantial compliance and mitigation costs on many farms is unsustainable, as evidenced by case studies.</p> <p>Water quality already meets attribute targets in the majority of these sub-catchments. Despite this, no benefit is awarded to low emitters who may be forced off their land through unsustainable financial impacts imposed by PC1. This will in turn undermine the rural communities of the Waikato and Waipa catchments, as detailed in Objective 2.</p>	<p>Retain the staged approach.</p> <p>Amend rules in PC1 to remove NRP and land use change restriction.</p> <p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
3.5	Objective 6 Whangamarino Wetland	Support	The Whangamarino Wetland should be restored.	Retain as proposed.

3.11.3 Policy				
3.6	Policy 1 Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	Support with amendments	<p>Support managing water quality on a sub-catchment basis because it considers soil suitability and climate conditions.</p> <p>Support enabling low intensity land uses.</p> <p>Support moderate to high levels of contaminant discharges to reduce their discharges by appropriate mitigation strategies through a tailored FEP.</p> <p>However, the rules in PC1 do not reflect Policy 1 and 9.</p>	<p>Retain managing diffuse discharges and water quality on a sub-catchment basis.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend rules in PC1 to reflect Policy 1 and 9.</p> <p>Require clarification on how slope is measured given the ranges of topography experienced within each paddock.</p>
3.7	Policy 2 Tailored approach to reducing diffuse discharges from farming activities	Support with amendments	<p>Support a tailored, risk based FEP, allowing appropriate and tailored mitigations to reduce diffuse discharges. And the reduction of diffuse discharges throughout all sub-catchments.</p> <p>Oppose a NRP.</p>	<p>Retain appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend PC1 to reflect Policy 1 in adopting a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Amend rules in PC1 to remove NRP.</p>
3.8	Policy 3 Tailored approach to reducing diffuse discharges from commercial vegetable production systems	Support with amendments	<p>Support providing flexibility to undertake crop rotations.</p> <p>Support utilising a tailored FEP that addresses all four contaminants equally and contributes to cumulatively address diffuse discharges on a sub-catchment basis.</p> <p>However, we do not support the use of a NRP, for two reasons. One is the absence of a suitable modelling system being publicly</p>	<p>Retain flexibility to undertake crop rotations.</p> <p>Retain appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend PC1 to reflect Policy 1 in adopting a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p>

			<p>available. 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.</p> <p>Two is because there should not an uncertain, estimated number that governs land management based upon nitrogen only.</p> <p>Also, we do not support the capping of land in production.</p>	<p>Amend rules in PC1 to remove NRP. Remove reference to capping of land in commercial vegetable production.</p>
3.9	Policy 5 Stage approach	Support with amendments	<p>Support an 80-year staged approach to achieve the long-term water quality targets.</p> <p>However, Policy 5 does not support Objective 2, 4 and 5. Because it does not:</p> <ul style="list-style-type: none"> • Minimise social disruption • Allow for innovation and new practices to develop • Support prosperous communities 	<p>Retain the staged approach.</p> <p>Amend rules in PC1 to remove NRP.</p> <p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
3.10	Policy 6 Restricting land use change	Oppose	<p>Oppose restricting land use change based on the type of land use, as it is a blunt tool.</p> <p>This Policy, and related rule (3.11.5.7), will inhibit growth and innovation within the Waikato region, and nationally because they are unable to adapt to market demands and changes.</p> <p>Land use flexibility is key to running sustainable business operations. Therefore, Policy 6 conflicts with Objective 2, 4, 5 and Policy 5.</p>	<p>Amend PC1 to state high priority sub-catchments, in relation to water quality, have a Restricted Discretionary activity status. And low priority sub-catchments to have a Permitted activity status.</p> <p>Amend PC1 to adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment. Then enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP</p>

			Where a sub-catchment is of high priority (in terms of water quality), land use change should be a restricted discretionary activity status. However, where a sub-catchment is of low priority, land use change should be a permitted activity.	
3.11	Policy 8 Prioritised implementation	Support with amendments	Support prioritising sub-catchments and implementing at different stages. In general, grower operations do not fit within one sub-catchment. Therefore, we consider that enterprises should be able to manage their resources across a number of sub catchments.	Retain prioritising sub-catchments and implementing at different stages. Amend PC1 to reflect the flexibility commercial vegetable producers need to effectively and efficiently manage their resources across a number of sub-catchments.
3.12	Policy 9 Sub-catchment (including edge of field) mitigation planning, co-ordination and funding	Support with amendments	Support managing water quality at a sub-catchment level. However, the rules in PC1 should give effect to this Policy and enable appropriate mitigation strategies through a tailored FEP.	Retain managing water quality on a sub-catchment level. Amend the rules in PC1 to reflect Policy 1 and 9. Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.
3.13	Policy 14 Lakes Freshwater Management Units	Support	Support restoring and protecting lakes in 80 years through tailored plans.	Retain as proposed.
3.14	Policy 15 Whangamarino Wetland	Support with amendments	Support restoring the Whangamarino Wetland. However, we believe that all sources influencing the water quality of the wetland should be considered and remediated in collaboration, not just one source.	Retain restoring the Whangamarino Wetland. Amend Policy 15 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments especially pest fish species, in relation to sub-catchment management.
3.11.5 Rules				
3.15	3.11.5.5 Controlled Activity Rule – Existing	Support with amendments	Support a tailored, risk based FEP to reduce diffuse discharges.	Retain a tailored, risk based FEP to reduce diffuse discharges.

	<p>commercial vegetable production</p>		<p>Support a Controlled Activity consent for commercial vegetable production provided the duration is suitable to allow certainty for growers in their future business planning, and the enterprise is able to rotate around the catchment to promote soil conservation.</p> <p>If the Controlled Activity consent is a land use consent (as opposed to a discharge consent) and is attached to the land, we oppose this rule.</p> <p>Oppose the capping of land area imposed by Rule 3.11.5.5. Instead we support the management of all four diffuse discharges equally through tailored on-farm mitigations (FEP) and on a sub catchment basis.</p> <p>Oppose NRP because it is problematic in the context of consent. We believe the intention is to enable growers to retire land in one portion of the catchment and utilise the same area of land elsewhere.</p> <p>However, 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 because this will directly affect my son and me.</p> <p>Some clarification is required with regards to the NRP. If a grower can move and retire land parcels within the catchment, does the NRP move with them from the retired land, in which</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.</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 NRP is sought.</p>
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			case does this land then get allocated a residual NRP?	
3.16	3.11.5.7 Non-Complying Activity Rule – Land Use Change	Oppose	<p>Oppose non-complying activity status because:</p> <ul style="list-style-type: none"> • Unaffordable to land owners wanting to increase their land area, rather than intensify • Eventually end up costing the consumer due to limited food availability • Limits flexibility, therefore growth innovation, and reduces land value • Jeopardises my business, family and community success and growth • Transfers wealth based on high emissions and/or high NRP i.e. one piece of commercial vegetable production land with a high NRP will have a higher land value compared to a piece of vegetable production land with a low NRP • Removes, to a degree, property rights • Adds stress to my life, my family's life, and my community's life • Overall will largely affect the local, regional and national economy. <p>Overall this rule undermines Objective 2, 4, 5 and Policy 1, 2, 5 and 9.</p>	<p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.</p> <p>Reduce activity status to Restricted Discretionary for high priority sub-catchments, in relation to water quality, and limit discretion to the management of the diffuse discharges of the four contaminants.</p> <p>Reduce activity status to Permitted for low priority sub-catchments, in relation to water quality.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>