

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 AFFCO New Zealand Limited		
Full address Horotiu Plant, Great South Road Horotiu, Private Bag 3047 Hamilton 3240		
Email	Phone 07 829 9500	Fax 07 829 9511

ADDRESS FOR SERVICE OF SUBMITTER		
Full name C/- Argo Environmental Limited Attention: Garry Venus		
Address for service of person making submission P O Box 105 774, Auckland 1143		
Email gvenus@argoenv.com	Phone 021 741 410	Fax

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 checked="" 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.)*

Policy 10, 11, 12 and 13 including related Objectives and Schedules; Section 3.11.4.2; Glossary (page 79 and 82);

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.)*

AFFCO NZ Ltd has recently completed an expensive and time consuming consent renewal programme for the AFFCO Horotiu plant. A major element of this programme concerned the management of nutrients discharged into the Waikato River. Through this process, AFFCO has committed to construct nutrient removal facilities for the plant at a cost of millions of dollars. AFFCO considers these measures meet any existing and future obligations of the Company relating to nutrient management in the Waikato River. AFFCO is concerned to ensure that the Plan gives due recognition to initiatives such as those undertaken by AFFCO.

The Company reminds Council that "point source" discharges represent a relatively minor component of the nutrient loads to the River. AFFCO supports the provisions in PC1 providing for the continued operation of regionally significant infrastructure and regional significant industry on terms and conditions specified in Resource Consents, applicable Permitted Activity provisions in the Regional Plan or applicable national prescription. We therefore support the Plan's recognition that Resource Consent conditions or other provisions providing for point source discharges should reflect the Best Practicable Option (BPO) as determined at the time approval is granted.

Our submission addresses a range of matters relating to point source discharges by Regionally Significant Industry.

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:

See attached pages

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.

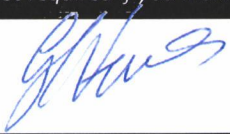
No, I have not attached extra sheets.

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 8th March 2017

Specific Submission Points

Section number of the Plan Change	Support /Oppose	Submission	Relief sought
Policy 10 "Regionally Significant Industry"	Support with amendment	<p>Policy 10 limits the application of BPO to "regionally significant infrastructure" and "regionally significant industry". These terms are not defined in the proposed plan but can be inferred from the Plan's definition of "point source discharge" as applying to 'consented' industrial and municipal wastewater systems. The reference to a 'consent' in that definition is problematic, to the extent that any new "point source discharge" activity and or an existing activity seeking renewal and or variation of an existing and expired consent is not by definition consented.</p> <p>We recommend the point source discharge definition be amended and the further amendment of PC1 to include a specific definition of "regionally significant industry". The intention should be to ensure continued provision is made for the use of water commensurate with a growing economy by enabling interpretation of the plan as encompassing the social, economic and environmental aspects of sustainable management of the environment.</p>	<p>Amend PC1 to include the following definition:</p> <p><u>Regionally significant industry - means industry based on the use of natural and physical resources in the region which have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits. Regionally significant industry includes:</u></p> <p><u>a) Dairy manufacturing sites;</u> <u>b) Meat processing plants and rendering plants;</u> <u>c) Wood processing plants; and</u> <u>d) Mineral extraction activities.</u></p> <p>Amend definition of Point source discharge/s</p> <p>For the purposes of Chapter 3.11, means discharges from a stationary or fixed facility, including the irrigation onto land from consented industrial and municipal wastewater systems.</p>

Section number of the Plan Change	Support /Oppose	Submission	Relief sought
Policy 11	Support with amendments	<p>AFFCO opposes that part of proposed Policy 11 providing for “an offset measure” ‘where it is not practicable to avoid or mitigate <u>all</u> (<i>emphasis added</i>) adverse effects’ if the intention is that offsets be provided <u>in addition to</u> achieving the BPO. If the intention is that point source dischargers are required to apply BPO <u>plus</u> offset “all” adverse effects then the provision for offsetting is uncertain and likely unreasonable. We note that a reasonable interpretation of “BPO” encompasses the concept inherent in the “offset” provisions, increasing the potential that retention of an express provision for “offsets” is interpreted as an additional obligation over and above BPO.</p> <p>AFFCO understands that the basis for PC1 was the deliberations of and wording from WRC’s “Community Stakeholder Group” and that the provisions related to point source discharges were derived after detailed discussion with representatives of regionally significant industry. We further understand that the provisions related to ‘offsets’ in Policy 11 differ in some significant respects from the recommendations made by the CSG to the WRC. In particular we understand the wording used by the CSG in relation offsetting was “ where it is not practicable to avoid or mitigate <u>any</u> adverse effects, an offset measure may be proposed...” [<i>Emphasis added</i>]. This wording would be preferable to AFFCO as it would define the total obligation on point source dischargers to be the achievement of the BPO with the option of offsetting as an alternative to one or more conditions of the BPO.</p> <p>In the alternative, if the intention is that the total obligation on point source dischargers is achievement of the BPO with the option of offsetting as an alternative to one or more conditions of the BPO then we support it provided some amendment is made to the wording of the Plan to make that interpretation clear.</p>	<p>Revise paragraph 1 of Policy 11 as follows:</p> <p>...Where it is not practicable to avoid or mitigate <u>all any</u> adverse effects, an offset measure may be proposed in an alternative location or locations to the point source discharge, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s) that will or may result from allowing the activity provided that the:</p> <p>Alternatively amend the second sentence of Policy 11 to:</p> <p><u>BPO in the context of point source discharges will be interpreted to include the ability to propose an offset measure in an alternative location or locations.</u> Where it is not practicable to avoid or mitigate all adverse effects, an offset measure may be proposed in an alternative location or locations to the point source discharge, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s) that will or may result from allowing the activity provided that the:</p>

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<p>Policy 3; Policy 16; Page 15, 38, 79, 82 "Best" or "Good" Management Practice"</p>	<p>Support with amendments</p>	<p>The proposed plan change makes reference to Good Management Practice (GMP) in relation to Farm Environment Plans and Best Management Practice (BMP) in relation to Policy 16. The inclusion of these terms suggest the plan could be interpreted as suggesting BMP and GMP are differing levels of obligation on resource users to avoid, remedy or mitigate the adverse effects of water use in each case. The reference to "good" and "best" management implies the obligation in these instances is different to the 'best practicable' option and at an extreme, that the obligation could be impractical. The absence of the guidance material under development by WRC (c/f 3.11.4.3) is unhelpful to the extent that the interpretation of or even intention underpinning the use of these different terms is uncertain.</p>	<p>Replace references to 'BMP' and 'GMP' with "BPO".</p> <p>If necessary, amend the definition of BPO to include as a Schedule to the Plan, WRC's 'guidance' material as representing the BPO in respect of diffuse source discharges.</p> <p>Page 15 Farm Environment Plans ...that ensure industry-specific <u>best practicable options</u> good management practice, and identify additional mitigation actions to reduce diffuse discharges by specified dates, which can then be monitored</p> <p>Policy 3 (d) A 10% decrease in the diffuse discharge of nitrogen is achieved across the sector through the implementation of <u>best practicable options</u> Best or Good Management Practices;</p> <p>Policy 16 Best <u>practicable options</u> management practice actions for nitrogen, phosphorus, sediment and microbial pathogens for</p> <p>3.11.4.12 (p 38) (a) Develop and disseminate best <u>practicable options</u> management practice guidelines for reducing the diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and...</p> <p>Glossary (p 79) Delete Definitions of Best Management Practice (p 79) and Good Management Practice (p 82)</p> <p>Insert definition of Best Practicable Option from RMA.</p>

Section number of the Plan Change	Support /Oppose	Submission	Relief sought
Section 3.11.4.2 "Certified Industry Scheme" And Glossary (p 80)	Support with amendments	<p>Header is confusing and incorrect.</p> <p>"Industry" is defined in the Waikato Regional Plan as :</p> <p>Industry: <i>For the purposes of Chapters 3.3 and 3.4, means the extraction and processing of raw materials; the manufacture of goods in factories and processing plants; bulk storage; warehousing; service and repair activities.</i></p> <p>This definition excludes primary production and therefore the Section heading is incorrect if the intention is that the "Certified Industry Scheme" should address the elements of the primary production sector. The reference should be to Certified Sector Schemes not to Certified Industry Schemes.</p>	<p>Section 3.11.4.2; 3.11.4.11; 3.11.5.3; 3.11.5.4; 3.11.5.5; Schedule 1; Schedule 2; and Glossary (p 80)</p> <p>Change "Certified Industry Scheme" to "<u>Certified Sector Scheme</u>"</p>