

# 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 <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> <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 Stevenson Resources Limited		
Full address PO Box 15, Drury ,AUCKLAND 2247		
Email <a href="mailto:steve.ellis@stevenson.co.nz">steve.ellis@stevenson.co.nz</a>	Phone 0292998259	Fax

ADDRESS FOR SERVICE OF SUBMITTER		
Full name Osborne Hay (South) Limited		
Address for service of person making submission PO Box 54300 The Marina Auckland 2144		
Email <a href="mailto:greg@osbornehay.co.nz">greg@osbornehay.co.nz</a>	Phone 0274900929	Fax

TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>
Stevenson Resources Limited could not gain an advantage in trade competition through this submission.

**THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT THE 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.)*

The specific provisions that the submission relates to are set out in Attachment 1 to the submission.

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

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

Stevenson Resources Limited supports the above provision with amendments as set out in Attachment 1 to the submission.

**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.)*

The reasons for the submission are set out in Attachment 1 to the submission.

**I SEEK THE FOLLOWING DECISION BY COUNCIL**

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

Accept the above provision with amendments as outlined in attachment 1 to the submission

*Amend as follows:*

The amendments are set out in Attachment 1 to the submission.

**PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION**

Stevenson Resources Limited wish to speak at the hearing in support of its submissions.

**JOINT SUBMISSIONS**

If others make a similar submission, Stevenson Resources Limited 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, extra sheets attached as Attachment 1.

**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.*



Date 6 March 2017

Signature

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.

## Attachment 1: Stevenson Resources Limited Submissions on Plan Change 1

Amendments proposed to the text of Plan Change 1 are shown with deletions ~~struck out~~ and additions underlined.

PAGE NO.	PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT
27	Objective 2	Support in part	Stevenson supports the intent of Objective 2 which, in part, seeks to ensure that people and communities can continue to provide for their social, economic and cultural wellbeing while the restoration and protection of the rivers is taking place. Stevenson suggests a minor amendment to make the intent of Objective 2 clearer.	Amend Objective 2 as follows: <b>Objective 2: Social, economic and cultural wellbeing is maintained in the long term</b> Waikato and Waipa communities and their economy benefit from the restoration and protection of water quality in the Waikato River catchment, <u>which and the restoration and protection is undertaken in a way and at a rate that enables the people and communities to continue to provide for their social, economic and cultural wellbeing.</u>
27	Objective 3	Support in part	Stevenson supports the intent of Objective 3 to achieve 10 percent of the total required change sought by Objective 1 by 2026 but suggests a minor amendment to the text to improve the clarity and certainty of the objective and to use terminology which is in accord with the National Policy Statement for Freshwater Management (NPSFM).	Amend Objective 3 as follows: <b>Objective 3: Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catchment and Freshwater Management Unit</b> Actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and <b>microbial pathogens</b> , <del>are sufficient to</del> achieve ten percent of the required change between current water quality and the 80-year <u>desired water quality states</u> <del>attribute</del> <sup>^</sup> <del>targets</del> <sup>^</sup> in Table 3.11-

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				1. A ten percent change towards the long term <u>desired</u> water quality <del>states</del> improvements is indicated by <del>Objective 3</del> the short term water quality attribute <sup>^</sup> targets <sup>^</sup> in Table 3.11-1.
27	Objective 4	Support in part	Stevenson supports the intent of Objective 4 but suggests a minor amendment to make it clear which values and uses are being referred to and to use terminology which is in accord with the NPSFM.	Amend Objective 4 as follows: <b>Objective 4: People and community resilience</b> A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while: a) considering the values and uses <u>identified in section 3.11.1</u> when taking action to achieve <u>Objectives 1 and 3</u> <del>the attribute<sup>^</sup> targets<sup>^</sup></del> for the <del>Waikato and Waipa Rivers</del> in Table 4-4; and b) recognising that further contaminant reductions will be required by subsequent regional plans and signaling anticipated future management approaches that will be needed to meet Objective 1.
33	10	Support in part	Stevenson supports the inclusion of Policy 10 to provide for point source discharges associated with regionally significant activities. However, in	Amend Policy 10 as follows: <b>Policy 10: Provide for point source discharges <u>from activities</u> of regional</b>

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			<p>its current unqualified form, Policy 10 appears inconsistent with Objective 3, the NPSFM and the Vision and Strategy.</p> <p>This inconsistency can be rectified by making reference to Policies 11 &amp; 12 as shown.</p> <p>In addition, the policy potentially implies that only existing regionally significant infrastructure and industry is provided for - expansion of existing activities, or new activities do not appear to be contemplated. Given the likely need for people and communities to find alternative means of providing for their economic and social wellbeing over time, Stevenson considers it appropriate to amend the policy to ensure that expansion of existing and development of new regionally significant industry or infrastructure is also provided for as long as the achievement of Objectives 1 and 3 is not compromised.</p> <p>A definition of regionally significant industry is also required as the definition in the Waikato Regional Policy Statement directs that regionally significant industry will be identified in district and regional plans. Stevenson has proposed a definition in the Definitions section below.</p>	<p><b>significance</b></p> <p>When deciding resource consent applications for <b>point source discharges</b> of nitrogen, phosphorus, sediment and <b>microbial pathogens</b> to water or onto or into land, <u>subject to Policy 11 and Policy 12</u> provide for the:</p> <ul style="list-style-type: none"> <li>a) Continued operation <u>and development</u> of regionally significant infrastructure'; and</li> <li>b) Continued operation <u>and development</u> of regionally significant industry'.</li> </ul>

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33	11	Support in Part	<p>Stevenson supports the application of the best practicable option concept to point source discharges as it is consistent with the RMA and Policy A3 of the NPSFM and therefore an appropriate consideration when assessing the discharge of contaminants.</p> <p>Stevenson also supports the use of offsetting. In order to achieve the reductions in loads of nitrogen, phosphorus, sediment or microbial pathogens likely to be required from industrial sites like Stevenson's quarries, offsetting would be a useful tool to have available. It would provide flexibility for industries such as Stevenson to implement reductions where the greatest positive impact on the Waikato and Waipa Rivers can be achieved, for the least cost over time.</p> <p>Stevenson does not consider it appropriate to combine these two concepts in a single policy as they are separate, albeit potentially related matters.</p> <p>Stevenson therefore proposes Policy 11 is split into two policies to separate Best Practicable Option from offsetting. A consequential amendment to the title of Policy 11 is required together with a new Policy 11A and associated title.</p>	<p>Amend Policy 11 as follows:</p> <p><b>Policy 11: Application of Best Practicable Option and <del>mitigation or offset of effects</del> to point source discharges</b></p> <p>Require any person undertaking a <b>point source discharge</b> of nitrogen, phosphorus, sediment or <b>microbial pathogens</b> to water or onto or into land in the Waikato and Waipa River catchments to adopt the Best Practicable Option* to avoid or mitigate the adverse effects of the discharge, at the time a resource consent application is decided.</p> <p><b><u>Policy 11A: Offsetting the effects of point source discharges</u></b></p> <p>Where it is not practicable to avoid or mitigate <del>all</del> <u>any significant</u> adverse effects, an <b>offset</b> measure may be proposed in an alternative location or locations to the <b>point source discharge</b>, <del>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</del> the:</p>

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			<p>Stevenson also proposes that re-numbered Policy 11A is amended to include new sub-clause d) to replace the sentence deleted in the introductory section of the policy (i.e. "ensure positive effects...to lessen any residual effects"...etc.). This improves the clarity and readability of the sub-clause and ensures the offset measure is monitored to confirm its effectiveness.</p> <p>Stevenson also proposes amendments to sub-clause (e). A consent condition may not always be the most appropriate mechanism for securing an offset. For example, a covenant could be used which may provide greater protection for the offset measure than a consent condition.</p> <p>Further minor amendments are proposed as shown for clarity.</p>	<p>a) <u>The P</u>primary discharge does not result in any significant toxic adverse effect at the <b>point source discharge</b> location; and</p> <p>b) <u>The O</u>ffset measure is for the same contaminant; and</p> <p>c) <u>The O</u>ffset measure occurs preferably within the <u>same or upstream of the sub-catchment</u> in which the primary discharge occurs <del>and if this is not practicable, then within the same Freshwater Management Unit^ or a Freshwater Management Unit^ located upstream;</del> and</p> <p>d) <u>The offset measure is monitored and results in a net reduction in adverse environmental effects on the Waikato or Waipa River catchment caused by nitrogen, phosphorus, sediment and/or microbial pathogens;</u> and</p> <p>e) <u>The O</u>ffset measure remains in place for the duration of the consent and is secured by consent condition <u>or another legally binding mechanism.</u></p>
34	12	Support in part	Stevenson supports the intent of Policy 12 but considers that different terminology is needed in order to give effect to the NPSFM and Vision and Strategy. Stevenson proposes that the	Amend Policy 12 as follows: <b>Policy 12: Additional considerations for point source discharges in relation to</b>



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			word "Consider" be replaced with "Assess."	<p><b>water quality targets</b></p> <p>Consider <u>Assess</u> the contribution made by a <b>point source discharge</b> to the nitrogen, phosphorus, sediment and <b>microbial pathogen</b> catchment loads and the impact of that contribution on the likely achievement of <del>the short term or targets^</del> in Objective 3 or the progression towards the <u>desired 80 year water quality states</u><del>targets^</del> in Objective 1, taking into account:</p> <p>...</p> <p>c. The ability to stage future mitigation actions to allow investment costs to be spread over time and <u>contribute to meeting Objectives 1 and 3</u><del>the water quality targets^ specified above</del>; and</p>
34	13	Support in part	<p>Stevenson strongly supports the intent of Policy 13 as long term consent durations provide operational and investment certainty for its activities, however considers that a consent term of 35 years is warranted where the requirements of Policies 11, 11A and 12 are complied with.</p> <p>Stevenson also suggests some minor amendments to improve the clarity and robustness of the policy.</p>	<p>Amend Policy 13 as follows:</p> <p><b>Policy 13: Point sources consent duration</b></p> <p>When determining an appropriate duration for any consent granted consider the following matters:</p> <p>a) A consent term <del>exceeding 25 of 35</del> years, where the applicant demonstrates <del>the approaches set out in that</del> Policies 11, 11A and 12, will be <del>met</del><u>complied with</u>; and ...</p>

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83	Regionally Significant Industry	Support	The definition of regionally significant industry in the Waikato Regional Policy Statement indicates that regionally significant industry is expected to be defined in regional plans (see page G-9 of the RPS). Regionally significant industry is referred to in Plan Change 1 but is not defined. Stevenson therefore proposes a new definition for regionally significant industry.	<p>Include a new definition of regionally significant infrastructure as follows:</p> <p><b><u>Regionally significant industry</u></b> - means <u>an economic activity 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> <ul style="list-style-type: none"> <li>a) <u>Dairy manufacturing sites;</u></li> <li>b) <u>Meat processing plants;</u></li> <li>c) <u>Pulp and paper processing plants;</u> <u>and</u></li> <li>d) <u>Mineral extraction activities.</u></li> </ul>
90	3.5 Discharges Background and Explanation		The sentence proposed to be included in Section 3.5 appears incomplete and refers to "Discharges associated with Farming Land Use" when Chapter 3.11 also has policies addressing point source discharges. Stevenson considers that the text requires amendment to better reflect the actual intention of Chapter 3.11.	<p>Amend the text of the Background and Explanation section as follows:</p> <p><b><u>Discharges in the Waikato and Waipa River Catchments associated with Farming Land Use</u></b></p> <p><u>Chapter 3.11 addresses the use of land for farming in the Waikato and Waipa River catchments including associated diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens. Chapter 3.11 also contains objectives and policies that apply to point source discharges to land and water in the Waikato and Waipa River catchments.</u></p>