

# PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ RIVER CATCHMENTS



**Submission form on publicly notified – Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments.**

Important: Save this PDF to your computer before answering. If you edit the original form from this webpage, your changes will not save. Please check or update your software to allow for editing. We recommend Acrobat Reader.

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

SubForm	PC12016	COVER SHEET	
FOR OFFICE USE ONLY			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

## 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>	healthyivers@waikatoregion.govt.nz <i>Please Note: Submissions received by email must contain full contact details.</i>
<b>Online at</b>	www.waikatoregion.govt.nz/healthyivers

**We need to receive your submission by 5pm, 8 March 2017.**

## YOUR NAME AND CONTACT DETAILS

Full name: Tuakau Proteins Limited  
 Full address: Lapwood Road, Tuakau, 2121  
 Email: \_\_\_\_\_  
 Phone: 0274 537 365 Fax: \_\_\_\_\_

## ADDRESS FOR SERVICE OF SUBMITTER

Full name: Stephen Dahlenburg, Managing Director  
 Address for service of person making submission: Tuakau Proteins Limited, Lapwood Road, Tuakau, 2121  
 Email: stephen.dahlenburg@tuakauproteins.co.nz  
 Phone: 0274 537 365 Fax: \_\_\_\_\_

## TRADE COMPETITION AND ADVERSE EFFECTS (select appropriate)

- I could /  could not gain an advantage in trade competition through this submission.
- I am /  am not directly affected by an effect of the subject matter of the submission that:
- adversely effects the environment, and
  - 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 including related Objectives and Schedules

Policy 3, Policy 16

Section 3.11.4.2

## 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).

Tuakau Proteins is a point source discharger and has made large investments over a number of years to fulfil nutrient management requirements. Tuakau Proteins considers that it is meeting its current and future obligations. Tuakau Proteins is concerned that the Plan recognises the initiatives undertaken by Tuakau Proteins.

Tuakau Proteins notes that point source discharges are a relatively small part of nutrient loads to the River.

Tuakau Proteins supports the provisions in PC1 providing for the continued operation of regionally significant infrastructure and regionally significant industry on terms and conditions specified in Resource Consents, applicable Permitted Activity provisions in the Regional Plan or applicable national prescription. Tuakau Proteins supports 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.

## 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
- Decline the above provision
- If not declined, then amend the above provision as outlined

**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**

Signature:



Date:

5.3.17

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.**

**Tuakau Proteins Limited  
Specific Submission Points**

Section number of the Plan Change	Support/Oppose	Submission	Relief Sought
<p>Policy 10, 11 and 12 Including related Objectives and Schedules</p>	<p>Support with amendment</p>	<p>We support the provisions in PC1 providing for the continued operation of regionally significant infrastructure and regionally significant industry on terms and conditions specified in Resource Consent, applicable Permitted Activity provisions in the Regional Plan or applicable national prescription.</p> <p>We 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.</p> <p>We oppose 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.</p> <p>If the intention is that point source dischargers are required to apply BPO and offset all additional 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>If the intention is that the total obligation on point source</p>	<p>Amend Policy 11 to avoid any interpretation that the obligation to avoid, remedy or mitigate the adverse effects of a point source discharge is greater than or extends beyond application of the BPO as determined at the time an approval is obtained.</p>

		<p>dischargers is achievement of 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. For example, amend the second sentence of Policy 11 to <i>“BPO in the context of point source dischargers will be interpreted to include the ability to propose an offset measure in an alternative location or locations...”</i>.</p>	
<p>Policy 10 Definition of Regionally Significant Industry</p>	<p>Support with amendment</p>	<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 an application for a new 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 amendment of PC1 to include a specific definition of regionally significant industry. The intention should be to ensure a 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><i>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:</i></p> <ul style="list-style-type: none"> <li>a) <i>Dairy manufacturing sites;</i></li> <li>b) <i>Meat processing plants and rendering plants;</i></li> <li>c) <i>Pulp and paper processing plants; and</i></li> <li>d) <i>Mineral extraction activities</i></li> </ul>

<p>Policy 3; Policy 16; Page 15,38,79,82 "Best" or "Good" Management Practice</p>	<p>Support with amendment</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 different terms suggests that the plan could be interpreted as meaning 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. In addition, the reference to "good" and "best" management implies the obligation is different to the "best practicable" option and at an extreme, that the obligation could therefore be impracticable.</p> <p>The absence of guidance material under development by WRC (c/f 3.11.4.3) is unhelpful in that the interpretation of or intention underpinning the use of the 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 BPO in respect of diffuse source discharges.</p>
<p>Section 3.11.4.2 "Certified Industry Scheme" and Glossary (p 80)</p>	<p>Support with amendment</p>	<p>"Industry" is defined in the Waikato Regional Plan as:</p> <p><i>Industry: 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 primary production sector. The reference should be to Certified Sector Schemes not to Certified Industry Schemes</p>	<p>Throughout the document replace "Certified Industry Scheme" with "Certified Sector Scheme"</p>