

BEFORE A HEARING: WAIKATO REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission and further submission by J Swap Limited to Waikato Regional Council - Proposed Plan Change 1 (and Variation 1) - Waikato and Waipā River Catchments.

Submitter Number 71618

Hearing Block 2

**STATEMENT OF EVIDENCE OF ARIELL LEANNE KING
ON BEHALF OF J SWAP LIMITED
3 MAY 2019**

1. INTRODUCTION

- 1.1 My name is Ariell Leanne King. I am a qualified planning consultant, and a Principal Planner at AECOM New Zealand Limited (**AECOM**).
- 1.2 I hold a Bachelor of Science, a Bachelor of Commerce and Administration, a Masters in Resource and Environmental Planning, Intermediate membership of the NZPI and have over 15 years' experience in planning and policy development. I was employed by Taupo District Council from 2003 until April 2018 and held a number of roles including Senior Policy Advisor and Corporate Planning Manager. I began my employment with AECOM on 30 April 2018.
- 1.3 AECOM prepared a Submission for J Swap Limited (J Swap) on Waikato Regional Council - Proposed Plan Change 1 (and Variation 1) - Waikato and Waipā River Catchments (PPC1). This submission was lodged on 8 March 2017.
- 1.4 I assisted J Swap with the preparation of the further submission that was lodged with Waikato Regional Council (WRC) on 17 September 2018; and a copy served on each of the respective Submitters on 18 September 2018. A copy of the J Swap submission on PPC1 is **Attachment A** to this evidence; and the J Swap further submissions is **Attachment B** to this evidence.

2. CODE OF CONDUCT

- 2.1 I have read and agree to abide by the "Code of Conduct for Expert Witnesses" issued by the Environment Court of NZ, Practice Note, 2014. This evidence has been prepared in accordance with that Code. I confirm that I have not omitted to consider material facts that I am aware of that might alter or detract from the opinions that I express and that this evidence is within my area of expertise. The evidence I am giving is within my area of expertise, except where I state I am relying on the opinion or evidence of other witnesses. I understand it is my duty to assist the Commissioners impartially on relevant matters within my area of expertise.

3. BACKGROUND AND SCOPE OF EVIDENCE

- 3.1** I am presenting this planning evidence in support of the submission and further submission by J Swap to PPC1.
- 3.2** J Swap owns the Swap Group of companies which has had a long association in contracting, quarrying, heavy haulage, bulk storage and stockfeed. Within the Waikato region, J Swap operate aggregate and mineral quarries at Tauhara Quarry, 423 Broadlands Road; Waotu Quarry, 408 Waotu South Road; and Osterns Quarry, 890 Otorohanga Road (SH3).
- 3.3** These quarries individually and cumulatively provide a supply of minerals and aggregates that is crucial for the continued development of the Waikato region and to enable people and communities to provide for their social, economic and cultural well-being. The quarries supply minerals and aggregate that is not only required to provide for building, construction and roading projects associated with growth, but also to maintain and redevelop existing infrastructure.
- 3.4** In preparing my evidence, I have reviewed the following:
- (a) J Swap's submission and further submission
 - (b) Section 42A Report – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (Doc# 13915005) (including Appendix A – Reporting Officers, Appendix B – List of Submitters (Doc# 14060932), and Appendix C – Officer's Block 2 "Tracked Changes" Recommendations.
 - (c) Relevant provisions of the Resource Management Act 1991 (RMA)
- 3.5** My evidence focuses on the J Swap's submission and further submission relating to the following aspects of PPC1 as set out in the Section 42A Report for Hearing Block 2 matters:
- Policies
 - Definitions

4. DISCUSSION

Policies:

- 4.1** J Swap proposed amendments to Policies 10, 11, 12, 13 and 16. A copy of the amendments sought by J Swap and the recommendations following a review of the Section 42A Report – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments Appendix C – Officer’s Block 2 “Tracked Changes” Recommendations (hereinafter referred to as the Section 42A Report - Appendix C) is attached to this evidence (**Attachment C**).

Regionally significant activities

- 4.2** J Swap supports the intent of Policy 10. The proposed amendments to Policy 10 provided in the J Swap submission were to provide for point source discharges from activities of regional significance. The wording of Policy 10, as proposed on page 34 of the Section 42A Report – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments Appendix C – Officer’s Block 2 “Tracked Changes” Recommendations (hereinafter referred to as the Section 42A Report - Appendix C), implies that there will be regionally significant point source discharges.
- 4.3** It is suggested that the addition of the words ‘from activities’ clarifies that the intent of the policy is to provide for point source discharges from regionally significant activities rather than implying that the discharges themselves are regionally significant. My position is that wording should be included to clarify that this is the intent. It is noted however that the Officers recommend that all policy titles be deleted as they potentially create confusion (paragraph 1057 Section 42A Report). It is further noted that in Section 42A Report - Appendix C that the policy titles have not been struck through to indicate their removal. J Swap supports the removal of all policy titles to reduce potential confusion, and in my view Section 42A report - Appendix C should be amended accordingly.
- 4.4** References to Policy 11 and 12 were also proposed by J Swap to provide consistency with Objective 3, the National Policy Statement for Freshwater Management 2014 (amended 2017) (NPSFM) and the Vision and Strategy for the Waikato River (Vision and Strategy). It is noted that these references have not been included in the proposed wording of Policy 10.

4.5 J Swap supported a submission by Waitomo District Council which also sought an amendment to address the disconnection between policies 6, 10, 11 and 12. J Swap also supported the Federated Farmers submission on Policy 10 to 13 which would provide for further amendments through the submission process.

4.6 Officers have considered this matter and address it in paragraph 1058 of the Section 42A Report. It is noted that if the panel wished to reduce the risk of 'cherry picking policies' that 'suitable wording requiring these policies to be read together could be added'. J Swap supports this comment.

Continued operation and development of regionally significant industries

4.7 The third proposed amendment to Policy 10 was the addition of the words 'and development' to Policy 10 (a) and (b). J Swap considers that the development of regionally significant industry or infrastructure should be provided where it does not compromise the achievement of Objectives 1 and 3 i.e. these policies should address both existing and new developments of regionally significant industries.

4.8 It is noted that paragraph 1053 of the Section 42A Report states that 'RPS Policy 4.4 directs that management of natural and physical resources provides for the continued operation and development of regionally significant industry'. As such the RPS already includes the words 'and development' and J Swap sees no reason why these could not be added to Policy 10 (a) and (b) as proposed given the overall consistency with the RPS.

4.9 In addition in paragraph 1065 there is further consideration of this matter with the Officers noting that providing for expansion would seem inappropriate given that 'the Vision and Strategy clearly identifies that additional adverse effects on the Waikato River are unacceptable'. This statement implies that all development of regionally significant industry will by default create additional adverse effects on the Waikato River. This is not necessarily the case, particularly with quarries, where by their nature, physical disturbance and expansion of a site is a necessary part of the daily operation. Effects do not necessarily increase with this day to day action. This is a matter which should be revisited.

- 4.10** In my opinion, it would be helpful to have a definition of regionally significant industry, as sought by J Swap; and I address this later in my evidence.

Best practicable option, mitigation and offsetting:

- 4.11** J Swap supported Policy 11 in part and proposed several amendments. These amendments were primarily intended to separate the application of the best practicable option and the use of offsetting to mitigate the effects of point source discharges, both concepts which J Swap supports.
- 4.12** J Swap proposed in its submission that Policy 11A is created and a new sub-clause (d) is included to improve clarity and readability of the sub-clause and ensure the offset measures are monitored for effectiveness.
- 4.13** In line with the J Swap submission, the inclusion in Policy 11 (d) in the Section 42A Report – Appendix C is supported as it provides for ‘another legally binding mechanism’ to secure the proposed offsetting. This is supported in paragraph 1118 of the Section 42A Report.
- 4.14** J Swap made further submissions in support of the application of best practicable option (Fonterra, Oji, AFFCO), flexibility in offsetting both in terms of the contaminant to be offset and the location of the offsetting (i.e. ability to offset upstream of the sub-catchment). Overall the intention is that reductions are implemented in such a way as to have the greatest positive impact on the Waikato and Waipa Rivers.
- 4.15** In paragraph 1112 of the Section 42A Report ‘Officers agree that the drafting of the policy, which addresses both the application of the best practicable option (BPO) and offsetting may cause some confusion as it blends two separate concepts’. It is further noted that ‘Policy 11 must be read together with Policy 12, which requires consideration of the targets in PC1’. It appears from these comments that the Officers agree that there is the potential for confusion in the consideration of this policy. J Swap suggests that in line with their submission that the policy is amended to separate the two concepts.

Point source discharges and water quality targets

- 4.16** J Swap supported Policy 12 in part and proposed several amendments including stronger terminology to give effect to the NPSFM and Vision and Strategy. Policy 12 in the Section 42A Report - Appendix C has been amended to include ‘When deciding a recourse consent application’ (page 34).

This addition is supported as an assessment will be required to determine the effect on the short term water quality attribute stages in Table 3.11-1.

4.17 The addition of the words 'water quality attribute stages' in Table 3.11-1 and '80-year water quality attribute states in Table 3.11-1' is also supported and is in line with the further submission made in support of the Waikato Regional Council submission in this regard.

4.18 It is noted that this submission point is addressed in paragraphs 1142 and 1143 of the Section 42A Report, with recognition that the submissions have merit in terms of improving the policy as to how the relevant targets are referenced.

35 year consent duration for point sources

4.19 J Swap supports the intent of Policy 13 and suggested that it be amended to provide for a consent term of 35 years where the applicant demonstrated compliance with policies 11, 11A (as proposed by J Swap) and policy 12.

4.20 J Swap requires certainty of consent duration to assist in the decision making regarding investments and ongoing operations. Quarries are long term operations with significant capital investment and thus time for return on investment is required. As such J Swap made further submissions in support of those submissions which also sought a consent term of 35 years and opposed those submissions which sought a shorter consent duration or a common catchment expiry date.

4.21 The proposed amendments as set out in Section 42A Report - Appendix C (page 35) provide some flexibility as to the length of consent duration. The guidance in the Section 42A Report is included in paragraphs 1176 and 1178 with officers noting that consideration of a 35 year consent duration is provided for. J Swap supports the proposed amendments to Policy 13 on the proviso that this intention is applied during the consideration of resource consent applications. However, in my view, this matter will remain open to interpretation at the time of considering a resource consent application; and it would be more helpful to indicate that longer period can be up to 35 years duration. This can be achieved by amending Policy 13.

Best practicable option

- 4.22** J Swap supported Policy 16 in part and requested that greater guidance was provided regarding the terms good management practices or best management practices or that these were replaced with the term best practicable option.
- 4.23** J Swap's further submission supported the AFFCO and Ravensdown submissions which sought the use of best practicable options or best management practice. The Ravensdown submission was seeking consistency in terms across the country and supported the terminology adopted in Canterbury - the "Industry Agreed Good Management Practices relating to Water quality".
- 4.24** It is noted that a definition for best management practices is provided in the Section 42A Report – Appendix C. In my view, for consistency, it would be preferable to use the best practicable option approach, however it is also recognised that the industry agreed good management practice is applicable for farms to address water quality and could be appropriate in this instance.

Definitions:

- 4.25** J Swap supported the inclusion of a regionally significant industry. It is noted that the Waikato Regional Policy Statement (RPS) indicates that regionally significant industry is expected to be defined in regional plans (see page G-9 of the RPS, Doc # 3647993).
- 4.26** J Swap also made further submissions in support of those submitters who supported a definition for regionally significant industry and infrastructure. This includes Taupo District Council, Fonterra, South Waikato District Council, Genesis Energy, AFFCO, Oji, and Mercury.
- 4.27** In paragraph 1070 of the Section 42A Report officers agree that it would provide clarity to include definitions for both regionally significant industry and infrastructure within PPC1. The definitions proposed mirror the definitions in the RPS.
- 4.28** J Swap supports the definition for regionally significant industry - meaning 'an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to

have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits’.

4.29 J Swap also supports the addition of the following named industries as part of the definition, these being:

- a) Dairy manufacturing sites;
- b) Meat processing plants;
- c) Pulp and paper processing plants; and
- d) Mineral extraction activities.

4.30 In paragraph 1072 of the Section 42A Report the officers address this point. The preference is that the definition mirrors that of the RPS rather than include specific industries. This is based on the comment that there is no justification to illustrate that these industries have significant benefits at a regional or national scale.

4.31 In my opinion, it would be helpful to provide certainty by naming those activities which may be recognised as regionally significant industries. This could be achieved with the use of the words ‘may include’ prior to listing the proposed industries. This is the same approach taken to the definition of regionally significantly infrastructure which names the infrastructure. In addition it would still be the responsibility of the applicant to illustrate that they met this definition when applying for a point source discharge. Without the types of industries listed, less clarity is presented to plan readers of the probable types of industries that may be considered regionally significant.

5. RECOMMENDATIONS FOR RELIEF SOUGHT BY J SWAP

5.1 I have attached a copy of the J Swap submission and further submissions in **Attachments A** and **B** to my evidence, respectively; to provide full details of the relief sought by J Swap.

5.2 In addition, **Attachment C** provides J Swaps recommendations following consideration of the Section 42A Report.

5.3 These recommendations are summarised as follows:

- Remove the policy titles to avoid confusion

- For Policy 10
 - Provide for the continued operation and development of regionally significant industry
 - To provide clarity include a reference in Policy 10 to Policy 11 and 12
- For Policy 11
 - Separate best practicable option from offsetting in Policy 11
 - Provide for offsetting either in the same sub catchment of the proposed point source discharge or upstream of the sub-catchment
 - That offset measures are monitored for effectiveness
 - That offset measures remain in place for the duration of the consent and are secured by consent condition or another legally binding mechanism.
- Support for the recommended changes to Policy 12
- Support for the recommended changes to Policy 13 with the inclusion of words which indicate that the consent duration could be up to 35 years
- Inclusion of best practicable option in Policy 16
- Support for the inclusion of a definition for regionally significant industries and the addition of examples.



Ariell Leanne King
Principal Planner
AECOM New Zealand Limited
3 May 2019

ATTACHMENTS

Attachment A: Submission on behalf of J Swap Limited

Attachment B: Further Submission on behalf of J Swap Limited

Attachment C: Recommendations based on Section 42A Report

Attachment A

J Swap submission

Submission on Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments

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

To Chief Executive
Waikato Regional Council
401 Grey Street
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

Name of submitter: J Swap Ltd

This is a submission on a change proposed to the following plan (the proposal):
Waikato Regional Plan.

J Swap Ltd could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal, submissions and decisions sought that J Swap Ltd's submission relates to are detailed in Table 1

J Swap Ltd wish to be heard in support of its submission.

If others make a similar submission, J Swap will consider presenting a joint case with them at a hearing.

Signature: _____

Date: 8 March 2017

Address for service of submitter:

J Swap Ltd
c/- AECOM,
P O Box 434,
Waikato Mail Centre,
Hamilton
3240

Telephone: Wk - 07 958 6985 or Mb - 021 925984
Email: james.fuller@aecom.com
Contact person: James Fuller, Team Leader Waikato Planning

Introduction

This is a submission made by J Swap Ltd ("J Swap") to Proposed Plan Change 1 pursuant to clause 6 of the first schedule of the Resource Management Act 1991 (RMA).

J Swap owns the Swap Group of companies which has had a long association in contracting, quarrying, heavy haulage, bulk storage and stockfeed. Within the Waikato region, J Swap operate aggregate and mineral quarries at

- a. Tauhara Quarry, 423 Broadlands Road, Rotokawa 3378;
- b. Waotu Quarry, 408 Waotu South Road;
- c. Osterns Quarry, 890 Ororohanga Road (SH3), Otorohanga 3873 Te Kawa; and
- d. Taotaoroa Quarry, 410 – 568 Taotaoroa Road (edge of sub-catchment).

These quarries individually and cumulatively provide a supply of minerals and aggregates that is crucial for the continued development of the Waikato region and to enable people and communities to provide for their social, economic and cultural well-being. The quarries supply minerals and aggregate that is not only required to provide for building, construction and roading projects associated with growth, but also to maintain and redevelop existing infrastructure. Each of the J Swap quarries listed are reliant on existing consented or permitted surface and/or ground water takes in order to efficiently operate, and mitigate effects.

Because J Swap is a significant user and developer of natural and physical resources, the Resource Management Act 1991 (RMA) and related regulations (such as Proposed Waikato Regional Plan Change 1 (Plan Change 1)) represents a statutory regime that plays a significant role in J Swap Ltd business.

General Submission

J Swap acknowledges the work that Waikato Regional Council (Council) and the Collaborative Stakeholder Group (CSG) have put in to developing Plan Change 1.

J Swap in principal support the Vision and Strategy for the Waikato and Waipa Rivers (Vision and Strategy) and the direction it sets for restoring and protecting the Waikato and Waipa Rivers.

In respect of Plan Change 1, the issues J Swap is interested in include:

- That plan change 1 reflects the objectives of the National Policy Statement for Freshwater Management (NPSFM);
- Makes provisions for people and communities to continue to provide for their economic and social wellbeing, while giving effect the Vision and Strategy; and
- Ensuring the provisions for point source discharges will be practicable for industrial operators such as J Swap Ltd.

In light of the above, the specific parts of Proposed Plan Change 9 that the J Swap submission relates to are outlined in the following table.

Table 1: Specific Submissions on Plan Change 1

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

For convenience, the amendments shown below are also shown in the attached marked up version of Plan Change 1.

SUBMISSION POINTS

Page No.	Reference (e.g. issue, Policy, Objective, Rule, Method or Objective number)	Support/Oppose	Submission	Decision Sought Say what changes to the plan you would like
Multiple	Various	Support in part	<p>J Swap Ltd supports the Vision and Strategy and Plan Change 1. However, we are concerned that the terminology used in Plan Change 1 is inconsistent with the NPSFM. This creates confusion for plan readers.</p> <p>The NPSFM defines the term “freshwater objective” and importantly, where a freshwater objective is not being met, Policy A2 of the NPSFM requires regional councils to set targets designed to meet the freshwater objective and take action to ensure those targets are met.</p>	Amend the text in Plan Change 1 to ensure that the definitions and terms in the NPSFM are applied consistently as shown in the attached marked up version of the document.
SECTION OBJECTIVES				
27	Objective 2	Support in part	<p>J Swap Ltd 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. J Swap Ltd suggests a</p>	<p>Amend Objective 2 as follows: Objective 2: Social, economic and cultural wellbeing is maintained in the long term Waikato and Waipa communities and their economy benefit from the restoration and</p>

			minor amendment to make the intent of Objective 2 clearer.	protection of water quality in the Waikato River catchment, which <u>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	<p>J Swap Ltd 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.</p> <p>An amendment to this objective is also required to give effect to submission point 1 above.</p>	<p>Amend Objective 3 as follows:</p> <p>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</p> <p>Actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, are sufficient to achieve ten percent of the required change between current water quality and the 80-year <u>desired water quality states attribute^Δ targets^Δ</u> in Table 3.11-1. A ten percent change towards the long term <u>desired water quality states improvements</u> is indicated by <u>Objective 3the short term water quality attribute^Δ targets^Δ</u> in Table 3.11-1.</p>
27	Objective 4	Support in part	<p>J Swap Ltd supports the intent of Objective 4 but suggests a minor amendment to make it clear which values and uses are being referred to.</p> <p>An amendment to this objective is also required to give effect to submission point 1 above.</p>	<p>Amend Objective 4 as follows:</p> <p>Objective 4: People and community resilience</p> <p>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:</p> <p>a) considering the values and uses <u>identified</u></p>

				<p>in section 3.11.1 when taking action to achieve <u>Objectives 1 and 3</u>the attribute[^] targets[^] for the Waikato and Waipa Rivers in Table 11-1; and</p> <p>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.</p>
Section Policies				
33	10	Support in part	<p>J Swap Ltd supports the inclusion of Policy 10 to provide for point source discharges associated with regionally significant activities. However, in 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 & 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, J Swap Ltd considers it appropriate to amend the policy to ensure that expansion of existing and development of</p>	<p>Amend Policy 10 as follows:</p> <p>Policy 10: Provide for point source discharges <u>from activities</u> of regional significance</p> <p>When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens 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"> a) Continued operation <u>and development</u> of regionally significant infrastructure'; and b) Continued operation <u>and development</u> of regionally significant industry'.

			<p>new regionally significant industry or infrastructure is also provided for as long as the achievement of Objectives 1 and 3 is not compromised. J Swap Ltd notes that industrial development is also subject to Policy 6.14 of the Waikato Regional Policy Statement (Adopting Future Proof land use pattern).</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. J Swap Ltd has proposed a definition in the Definitions section below.</p>	
33	11	Support in Part	<p>J Swap Ltd 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>J Swap Ltd 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 J Swap Ltd quarries, offsetting would be a useful tool to have available. It would provide flexibility for industries such as J Swap Ltd to implement reductions where the greatest positive impact on the Waikato and Waipa Rivers can be achieved, for the least</p>	<p>Amend Policy 11 as follows:</p> <p>Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens 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><u>Policy 11A: Offsetting the effects of point source discharges</u> Where it is not practicable to avoid or mitigate all any significant adverse effects, an offset measure may be proposed in an alternative</p>

			<p>cost over time.</p> <p>J Swap Ltd does not consider it appropriate to combine these two concepts in a single policy as they are separate, albeit potentially related matters.</p> <p>J Swap Ltd 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>J Swap Ltd also proposes that re-numbered Policy 11A is amended to include new sub-clause d) to replace the sentence deleted in the chapeau (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>J Swap Ltd 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>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> <ul style="list-style-type: none"> a) The Pprimary discharge does not result in any significant toxic adverse effect at the point source-discharge location; and b) The Offset measure is for the same contaminant; and c) The Offset measure occurs preferably within the same or upstream of the sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit^ or a Freshwater Management Unit^ located upstream; and 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; and</u> <p><u>The Offset measure remains in place for the duration of the consent and is secured by consent condition or another legally binding mechanism.</u></p>
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34	12	Support in part	<p>J Swap Ltd supports the intent of Policy 12 but considers that stronger terminology is needed in order to give effect to the NPSFM and Vision and Strategy. J Swap Ltd proposes that the word “Consider” be replaced with “Assess.”</p> <p>An amendment to this objective is also required to give effect to submission point 1.</p>	<p>Amend Policy 12 as follows: Policy 12: Additional considerations for point source discharges in relation to water quality targets Consider <u>Assess</u> the contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely achievement of the short term or targets^ in Objective 3 or the progression towards the <u>desired 80 year water quality state</u>targets^ in Objective 1, taking into account: 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>the water quality targets^ specified above; and</p>
34	13	Support in part	<p>J Swap Ltd 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>J Swap Ltd also suggests some minor amendments to improve the clarity and robustness of the policy.</p>	<p>Amend Policy 13 as follows: Policy 13: Point sources consent duration When determining an appropriate duration for any consent granted consider the following matters: A consent term exceeding 25 of 35 years, where the applicant demonstrates the approaches set out in that Policies 11, <u>11A</u> and 12, will be met<u>complied with</u>; and ...</p>

35, 36	16	Support in Part	<p>The proposed plan change makes reference to Good Management Practice (GMP) in relation to Certified Industry Schemes 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.</p>	<p>Provide greater guidance on these terms or 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>
Implementation Methods				
38	Monitoring and evaluation of the implementation of Chapter 11	Support in Part	<p>The proposed plan change makes reference to working with industry to collate information on the functioning and success of any Certified Scheme. No methods or rules are proposed at this stage around existing infrastructure and treatment for regionally significant industry.</p> <p>The concern from J Swap as a regionally significant industry is that the history of the activity and the investment in infrastructure and treatment to minimise the effects on water quality are not taken into account in any future resource consent renewal process. Due</p>	<p>That any method or rule around consent renewal is assessed on a case-by-case basis for regionally significant industry – to take into account existing industry infrastructure investment to date.</p> <p>Regionally significant industry develops infrastructure on a business basis and this is generally for longer time periods than the duration of resource consent(s).</p> <p>Acknowledging this infrastructure investment will help lead to a balanced assessment of effects at the time of consent renewal notwithstanding the BPO and offsetting approaches discussed under Policy 11 above.</p>

			to the nature of Regionally Significant Industries investment decisions in infrastructure and treatment made on extended timeframes than those permitted under the RMA. For Regionally Significant Industries to operate and provide economic and social benefits to the Waikato Region, continuity of the resource consents needs to be addressed in Plan Change 1 to the Waikato Regional Plan.	<p>3.11.4.11 Waikato Regional Council Will:</p> <p>a. Review and report...</p> <p>f. Recognise current infrastructure investment by Regionally significant industry, when assessing resource consent renewals for existing activities; and</p> <p>g. Recognise the level of treatment provided by Regionally significant industry infrastructure under any existing resource consents and apply a BPO approach when assessing resource consent renewals for those existing activities.</p> <p>The above should be encapsulated into a new Controlled Activity Rule, Rule 3.11.5.5 for renewals of resource consents associated with Regionally significant industries or relief to that effect is sought.</p>
Definitions				
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. J Swap Ltd therefore proposes a new definition for regionally significant industry.	<p>Include a new definition of regionally significant infrastructure as follows:</p> <p><u>Regionally significant industry - means 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> <p>a) <u>Dairy manufacturing sites;</u></p> <p>b) <u>Meat processing plants;</u></p> <p>c) <u>Pulp and paper processing plants; and</u></p> <p>d) <u>Mineral extraction activities.</u></p>

Consequential amendments to the Waikato Regional Plan

<p>90</p>	<p>3.5 Discharges Background and Explanation</p>		<p>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. J Swap Ltd considers that the text requires amendment to better reflect the actual intention of Chapter 3.11.</p>	<p>Amend the text of the Background and Explanation section as follows: <u>Discharges in the Waikato and Waipa River Catchments associated with Farming Land Use</u> <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>
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Attachment B

J Swap further submission

FURTHER SUBMISSION FORM



IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION/S ON NOTIFIED:

PROPOSED WAIKATO REGIONAL PLAN CHANGE 1: WAIKATO AND WAIPĀ RIVER CATCHMENTS AND VARIATION 1 TO PROPOSED WAIKATO REGIONAL PLAN CHANGE 1: WAIKATO AND WAIPĀ RIVER CATCHMENTS

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.

Council needs to receive your further submission by 5pm, Monday, 17 September 2018. Please read the notes on making a Further Submission at the end of this form before completing your submission.

IMPORTANT NOTE

A copy of your further submission must be served on the original submitter/s within 5 working days of being lodged with council. An address list of all submitters is included with the summary of decisions requested documents and is available at waikatoregion.govt.nz/healthyivers

YOUR NAME, ADDRESS FOR SERVICE AND CONTACT DETAILS (MANDATORY INFORMATION)

Name of submitter (individual/organisation)		
Contact person (if applicable)		
Agent (if applicable)		
Email address for service		
Postal address for service		
		Post code:
Phone number/s	Home:	Business:
	Mobile:	Fax:

IN ACCORDANCE WITH SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT:

I am:

- A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or
- A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or
- The local authority for the relevant area.

My reasons are (i.e. grounds for selection above):

PLEASE INDICATE WHETHER YOU WISH TO SPEAK AT A HEARING

- Yes, I wish to speak at the hearing in support of my further submission.
- No, I do not wish to speak at the hearing in support of my further submission.

JOINT SUBMISSION

- If others make a similar submission, please tick this box if you would 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 - NOTE A SIGNATURE IS NOT REQUIRED IF YOU MAKE YOUR SUBMISSION BY ELECTRONIC MEANS

Signed _____ Date _____
Type name if submitting electronically

FURTHER SUBMISSIONS CAN BE SENT BY



Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240



Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton



(07) 859 0998



healthyrivers@waikatoregion.govt.nz *Please note: Submissions received by email must contain full contact details.*

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.

Personal information is used for the administration of the submissions 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.

Form 6 of Schedule 1, Resource Management Act 1991.

NOTES ON MAKING A FURTHER SUBMISSION

1. Serving a copy of your further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on (i.e. received by) Waikato Regional Council.

2. Further submission content review

Please note that your further submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

3. Privacy information

The Waikato Regional Council will make all submissions and further submissions including name and contact details publicly available on Council's website. Under the RMA, any further submission supporting or opposing an original submission is required to be served on the original submitter after it is served on council therefore your contact details must be made available.

Personal information will also be used for administration relating to the subject matter of the submissions, including notifying submitters of hearings and decisions. All information will be held by the Waikato Regional Council with submitters having the right to access and correct personal information.

Contact us for more information

Phone: 0800 800 401

Email: healthyrivers@waikatoregion.govt.nz

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SUBMISSION POINT ID (e.g. PC1-1234 or V1PC1-1234) _____

Do you support or oppose the submission? Support Oppose

THE REASONS FOR MY SUPPORT OR OPPOSITION ARE:

Tell us why you support or oppose this submission. These reasons will help us to understand your further submission

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PROVISION (e.g. Objective 4 or Rule 3.11.5.1): _____

SUBMISSION POINT ID (e.g. PC1-1234 or V1PC1-1234) _____

Do you support or oppose the submission? Support Oppose

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Tell us why you support or oppose this submission. These reasons will help us to understand your further submission

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Large empty text area for specifying what parts of the submission should be allowed or disallowed.

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Attachment C

Recommendations based
on the Section 42A Report

ATTACHMENT C: RECOMMENDATIONS BASED ON SECTION 42A REPORT

Submission point	J Swap submission point (Hearings Block 2 matters)	Section 42A Report (Doc #1391500) Appendix C - Tracked changes version for Hearing Block 2	Recommendations
PC1-6414	<p>Amend Policy 10 as follows:</p> <p>Policy 10: Provide for point source discharges from activities of regional significance</p> <p>When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, <u>subject to Policy 11 and Policy 12</u> provide for the:</p> <p>a) Continued operation <u>and development</u> of regionally significant infrastructure; and</p> <p>b) Continued operation <u>and development</u> of regionally significant industry’.</p>	<p>Policy 10: Provide for point source discharges of regional significance/Te Kaupapa Here 10: Te whakatau i ngā rukenga i ngā pū tuwaha e noho tāpua ana ki te rohe</p> <p>When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:</p> <p>a. Continued operation of regionally significant infrastructure; and</p> <p>b. Continued operation of regionally significant industry.</p>	<p>Policy 10: Provide for point source discharges of regional significance/Te Kaupapa Here 10: Te whakatau i ngā rukenga i ngā pū tuwaha e noho tāpua ana ki te rohe</p> <p><u>Policy 10</u></p> <p>When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, <u>subject to Policy 11 and Policy 12</u> provide for the:</p> <p>a. Continued operation <u>and development</u> of regionally significant infrastructure; and</p> <p>b. Continued operation <u>and development</u> of regionally significant industry.</p>
PC1-6417	<p>Amend Policy 11 as follows:</p> <p>Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges</p> <p>Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens 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</p>	<p>Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges/Te Kaupapa Here 11: Te whakahāngai i te Kōwhiringa ka Tino Taea me ngā mahi whakangāwari pānga; te karo rānei i ngā pānga ki ngā rukenga i ngā pū tuwaha</p> <p>Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land in the Waikato and Waipa River catchments to, <u>as a minimum,</u>⁶⁶ adopt the Best Practicable Option*</p>	<p>Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges/Te Kaupapa Here 11: Te whakahāngai i te Kōwhiringa ka Tino Taea me ngā mahi whakangāwari pānga; te karo rānei i ngā pānga ki ngā rukenga i ngā pū tuwaha</p> <p><u>Policy 11</u></p> <p>Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land</p>

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	<p>adverse effects of the discharge, at the time a resource consent application is decided.</p> <p><u>Policy 11A: Offsetting the effects of point source discharges</u></p> <p>Where it is not practicable to avoid or mitigate all any significant 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> <ul style="list-style-type: none"> a) The Pprimary discharge does not result in any significant toxic adverse effect at the point source-discharge location; and b) The Offset measure is for the same contaminant; and c) The Offset measure occurs preferably within the same or upstream of the sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit^Δ or a Freshwater Management Unit^Δ located upstream; and d) The offset measure is monitored and results in a net reduction in adverse environmental effects on the Waikato or 	<p>to avoid or mitigate the adverse effects of the discharge, at the time a resource consent application is decided⁶⁷.</p> <p>Where it is not practicable to avoid or mitigate all any⁶⁸ adverse effects, cannot be reasonably avoided, they should be mitigated, and where they cannot be reasonably mitigated, it is <u>encouraged that</u>⁶⁹ 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> <ul style="list-style-type: none"> a. Primary discharge does not result in any significant <u>or</u>⁷⁰ toxic adverse effect at the point source discharge location; and b. Offset measure is for the same contaminant; and c. Offset measure occurs preferably within the same sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit^Δ or a Freshwater Management Unit^Δ located upstream, and d. Offset measure remains in place for the duration of the consent and is secured by consent condition <u>or another legally binding mechanism</u>⁷¹. 	<p>in the Waikato and Waipa River catchments to, <u>as a minimum</u>,⁶⁶ adopt the Best Practicable Option* to avoid or mitigate the adverse effects of the discharge, at the time a resource consent application is decided⁶⁷.</p> <p><u>Policy 11A: Offsetting the effects of point source discharges</u></p> <p>Where it is not practicable to avoid or mitigate all any significant 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> <ul style="list-style-type: none"> a) The Pprimary discharge does not result in any significant toxic adverse effect at the point source discharge location; and b) The Offset measure is for the same contaminant; and c) The Offset measure occurs preferably within the same or upstream of the sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit^Δ or a Freshwater Management Unit^Δ located upstream;

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	<p><u>Waipa River catchment caused by nitrogen, phosphorus, sediment and/or microbial pathogens; and</u></p> <p>The Offset measure remains in place for the duration of the consent and is secured by consent condition <u>or another legally binding mechanism.</u></p>		<p>Unit located upstream, 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; and</u></p> <p>The Offset measure remains in place for the duration of the consent and is secured by consent condition <u>or another legally binding mechanism.</u></p>
PC1-6429	<p>Amend Policy 12 as follows:</p> <p>Policy 12: Additional considerations for point source discharges in relation to water quality targets</p> <p>Consider <u>Assess</u> the contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely achievement of the short term or targets^Δ in Objective 3 or the progression towards the <u>desired</u> 80 year <u>water quality states</u>^Δ in Objective 1, taking into account:...</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>^Δ the water quality targets^Δ <u>specified above</u>; and</p>	<p>Policy 12: Additional considerations for Considering point source discharges in relation to water quality targets/Te Kaupapa Here 12: He take anō hei whakaaro ake mō ngā rukenga i ngā pū tuwha e pā ana ki ngā whāinga ā-kounga wai</p> <p><u>When deciding a resource consent application, Consider⁷² the contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely⁷³ achievement of the short term water quality attribute states^Δ in Table 3.11-1 Objective 3 or the progression towards the <u>80-year water quality attribute states</u>^Δ in Objective 1 Table 3.11-1⁷⁴, taking into account:</u></p> <p>a. The relative proportion of nitrogen, phosphorus, sediment or microbial pathogens that the particular point source discharge</p>	<p>Policy 12: Additional considerations for Considering point source discharges in relation to water quality targets/Te Kaupapa Here 12: He take anō hei whakaaro ake mō ngā rukenga i ngā pū tuwha e pā ana ki ngā whāinga ā-kounga wai</p> <p>Policy 12</p> <p><u>When deciding a resource consent application, Consider⁷² the contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely⁷³ achievement of the short term water quality attribute states^Δ in Table 3.11-1 Objective 3 or the progression towards the <u>80-year water quality attribute states</u>^Δ in Objective 1 Table 3.11-1⁷⁴, taking into account:...</u></p> <p>c. The ability <u>Whether it is appropriate</u> to stage</p>

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		<p>contributes to the catchment load; and</p> <p>b. Past technology upgrades undertaken to model, monitor and⁷⁵ reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term; and</p> <p>c. The ability Whether it is appropriate to stage future mitigation actions to allow investment costs to be spread over time and to⁷⁶ meet the water quality <u>attribute states</u>^A targets^A specified above; and</p> <p>d. The diminishing return on investment in treatment plant upgrades in respect of any resultant reduction in nitrogen, phosphorus, sediment or microbial pathogens when treatment plant processes are already achieving a high level of contaminant reduction through the application of the Best Practicable Option*.⁷⁷</p>	<p>future mitigation actions to allow investment costs to be spread over time and to⁷⁶ meet the water quality <u>attribute states</u>^A targets^A specified above; and</p>
PC1-6433	<p>Amend Policy 13 as follows:</p> <p>Policy 13: Point sources consent duration</p> <p>When determining an appropriate duration for any consent granted consider the following matters:</p> <p>A consent term exceeding 25 of 35 years, where the applicant demonstrates the approaches set out in that Policies 11, <u>11A</u> and 12; will be met-complied with; and ...</p>	<p>Policy 13: Point sources consent duration/Te Kaupapa Here 13: Te roa o te tukanga tono whakaaetanga mō te pū tuwha</p> <p>When determining an appropriate duration for any <u>point source discharge</u>⁷⁸ consent granted consider the following matters:</p> <p>a. The appropriateness of a longer consent duration A consent term exceeding 25 years, where the applicant demonstrates <u>that the discharge is consistent with achieving the water quality attribute states set out in Table 3.11-1</u> the approaches set out in Policies 11 and 12 will be met⁷⁹; and ...</p>	<p>Policy 13: Point sources consent duration/Te Kaupapa Here 13: Te roa o te tukanga tono whakaaetanga mō te pū tuwha</p> <p><u>Policy 13</u></p> <p>When determining an appropriate duration for any <u>point source discharge</u>⁷⁸ consent granted consider the following matters:</p> <p>a. <u>The appropriateness of a longer consent duration, up to 35 years</u>, A consent term exceeding 25 years, where the applicant demonstrates <u>that the discharge is consistent with achieving the water quality attribute states set out in Table 3.11-1</u> the approaches set out in</p>

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			Policies 11 and 12 will be met ⁷⁹ ; and ...
PC1-6434	<p>Provide greater guidance on these terms or 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>Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land/Te Kaupapa Here 16: Te hangore o te tukanga mō te whakawhanaketanga o ngā whenua e whakahokia ai i raro i ngā whakataunga kokoraho o Te Tiriti o Waitangi me ngā whenua Māori kei raro i te mana whakahaere o te takitini</p> <p>For the purposes of considering land use change applications under Rule 3.11.5.7, land use change that enables the development of tangata whenua ancestral lands shall be managed in a way that recognises and provides for:</p> <ol style="list-style-type: none"> a. The relationship of tangata whenua with their ancestral lands; and b. The exercise of kaitiakitanga; and c. The creation of positive economic, social and cultural benefits for tangata whenua now and into the future; <p>Taking into account:</p> <ol style="list-style-type: none"> i. Best management practice actions for nitrogen, phosphorus, sediment and microbial pathogens for the proposed new type of land use; and ii. The suitability of the land for development into the proposed new type of land use, reflecting the principles for future allocation as contained in Policy 7, including the risk of contaminant 	<p>Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land/Te Kaupapa Here 16: Te hangore o te tukanga mō te whakawhanaketanga o ngā whenua e whakahokia ai i raro i ngā whakataunga kokoraho o Te Tiriti o Waitangi me ngā whenua Māori kei raro i te mana whakahaere o te takitini</p> <p>Policy 16</p> <p>For the purposes of considering land use change applications under Rule 3.11.5.7, land use change that enables the development of tangata whenua ancestral lands shall be managed in a way that recognises and provides for:</p> <ol style="list-style-type: none"> a. The relationship of tangata whenua with their ancestral lands; and b. The exercise of kaitiakitanga; and c. The creation of positive economic, social and cultural benefits for tangata whenua now and into the future; <p>Taking into account:</p> <ol style="list-style-type: none"> i. Best management practice practicable option management practice actions for nitrogen, phosphorus, sediment and microbial pathogens for the proposed new type of land use; and ii. The suitability of the land for development into the proposed new type of land use, reflecting the

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		<p>discharge from that land and the sensitivity of the receiving water body; and</p> <p>iii. The short term <u>water quality attribute states targets</u>⁸¹ to be achieved in Objective 3.</p>	<p>principles for future allocation as contained in Policy 7, including the risk of contaminant discharge from that land and the sensitivity of the receiving water body; and</p> <p>iii. The short term <u>water quality attribute states targets</u>⁸¹ to be achieved in Objective 3.</p>
PC1-6436	<p>Include a new definition of regionally significant infrastructure as follows:</p> <p><u>Regionally significant industry - means 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"> a) <u>Dairy manufacturing sites;</u> b) <u>Meat processing plants;</u> c) <u>Pulp and paper processing plants; and</u> d) <u>Mineral extraction activities.</u> 	<p><u>Regionally significant industry - means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.</u></p>	<p><u>Regionally significant industry - means 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 industries may include:</u></p> <ul style="list-style-type: none"> a) <u>Dairy manufacturing sites;</u> b) <u>Meat processing plants;</u> c) <u>Pulp and paper processing plants; and</u> d) <u>Mineral extraction activities.</u>