

## Gay Gibson

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**From:** Georgina Hamilton <Georgina.Hamilton@laneneave.co.nz>  
**Sent:** Friday, 27 June 2014 2:14 p.m.  
**Subject:** V1 pLWRP Further Submission by ANZCO Foods Ltd  
**Attachments:** SC552 C552014062712570.pdf

EC336343

Dear Sir/Madam

Please find **attached** further submissions by ANZCO Foods Ltd in relation to submissions by Synlait Milk Ltd and Southbank Dairies Ltd on Variation 1 to the Proposed Canterbury Land and Water Plan.

The original signed copy of these submissions will follow by post.

Kind regards,

Georgina Hamilton  
Associate

### Lane Neave

179 Victoria Street, Christchurch 8013  
PO Box 2331, Christchurch 8140

Tel: +64 3 379 3720 | Fax: +64 3 379 8370  
DDI: +64 3 3726327 | Mobile: +64 21 2248180

Email: [georgina.hamilton@laneneave.co.nz](mailto:georgina.hamilton@laneneave.co.nz)  
Web: [www.laneneave.co.nz](http://www.laneneave.co.nz)



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## Form 6

### Further Submissions in Support of, or Opposition to, Submissions on a Publicly Notified Variation to a Proposed Regional Plan

*Clause 8 of the First Schedule, Resource Management Act 1991*

To: Canterbury Regional Council  
PO Box 345  
Christchurch 8140

1. **Name of Further Submitter:**

ANZCO Foods Limited (ANZCO).<sup>1</sup>

2. **Further Submission:**

2.1 This is a further submission in support of, or opposition to, primary submissions on Variation 1 to the Proposed Canterbury Land and Water Regional Plan (Selwyn-Waihora Catchment) (Variation).

2.2 ANZCO made further submissions on other primary submissions on the Variation dated 9 June 2014.

3. **Status of Further Submitter:**

3.1 ANZCO has an interest in the Variation that is greater than the interest the general public has because:

3.1.1 ANZCO operates a processing plant in Kynvetts Road, Rakaia, which lies within the Selwyn-Waihora catchment. ANZCO's Rakaia plant process livestock on a year round basis.

3.1.2 ANZCO holds resource consents to take and use water (including an associated bore permit) and to discharge wastewater and stormwater to land. A clean, secure supply of water and the ability to effectively dispose of wastewater generated through processing and wash down activities are essential to the plant's on-going operation.

3.1.3 ANZCO is dependant on its suppliers. The livestock processing industry does not exist without farming and farming is reliant on the processing industry to turn livestock into a saleable product.

3.1.4 For these reasons, ANZCO has an interest in not only the aspects of the Variation that relate to or affect industrial processing activities, but also those concerning farming activities.

4. **Primary Submissions that this Further Submission relates to:**

4.1 This further submission relates to the primary submissions of:

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<sup>1</sup> Note: that the submitter's primary submission on Variation 1 to the Proposed Canterbury Land and Water Plan (Submitter ID 52274) was made by ANZCO Foods Limited, CMP Canterbury Limited and CMP Rakaia Limited. However, those entities have recently consolidated under the one brand known as ANZCO Foods Limited.

4.1.1 Southbank Dairies Limited (Submitter ID 54489) (c/- Mr Gary Michael, 29 Westenras Road, RD2, Leeston 7682); and

4.1.2 Synlait Milk Limited (Submitter ID 54491) (c/- Ms Lucy Johnson, 1028 Heselton Road, RD13, Rakaia 7783).

5. **Particular parts of the Primary Submissions that ANZCO supports or opposes:**

5.1 **Annexure A** to this submission comprises a schedule summarising which parts of the primary submissions on the Variation referred to in paragraph 4.1 that ANZCO supports or opposes, including its reasons for support or opposition, and the decision sought in relation to each submission point.

6. **ANZCO wishes to be heard in support of its further submission:**

6.1 If others make a similar submission, ANZCO **would be** prepared to consider presenting a joint case with them at any hearing.



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**ANZCO Foods Limited**  
By its solicitors and authorised agents  
Lane Neave: A C Dewar / G C Hamilton

**Date:** 27 June 2014

**Address for service of further submitter:**

ANZCO Foods Limited  
c/- Lane Neave  
PO Box 2331, Christchurch 8140  
179 Victoria Street  
Christchurch 8013  
Telephone: 03 379 3720  
Fax: 03 379 8370  
Email: amanda.dewar@laneneave.co.nz / georgina.hamilton@laneneave.co.nz  
Contact person: Amanda Dewar / Georgina Hamilton

**ANNEXURE A – FURTHER SUBMISSIONS AND DECISIONS SOUGHT BY ANZCO FOODS LIMITED**

<b>Plan Provision</b>	<b>Submitter/Submitter ID</b>	<b>ECan Sub ID</b>	<b>Support/ Oppose</b>	<b>Particular Part of Submission ANZCO Supports/Opposes</b>	<b>Reason for ANZCO's Support/Opposition</b>	<b>Decision sought by ANZCO</b>
<b>Section 11.4 – Policies</b>						
<b>Policy 11.4.6</b>	Synlait Milk Ltd (54491)	V1pLWRP -1972	Oppose in part	The submitter's request that Policy 11.4.6 be amended as follows: <i>"Limit the total nitrogen load entering Te Waihora/Lake Ellesmere by restricting the losses of nitrogen from farming activities, industrial and trade processes and community sewerage systems in those areas that most clearly contribute nitrogen to the lake in accordance with the target (the limit to be met over time) and limits in Table 11(i)"</i> And the Limits in Table 11(i) should sit outside the plan	ANZCO opposes this proposal to the extent that it seeks that Policy 11.4.6 be retained. As outlined in its primary submission on the Variation, ANZCO considers that Policy 11.4.6 should be deleted until such time as an appropriate Nitrogen limit can be developed for discharges from industrial or trade processes.	That this submission point be disallowed in part.
<b>Policy 11.4.10</b>	Synlait Milk Ltd (54491)	V1pLWRP -1967	Support in part	The submitter's request that Policy 11.4.10 and Table 11(i) be amended to adjust the allocation for industrial discharges above 106T to capture all consented discharges and allow for future growth in the zone.	ANZCO considers that there is significant uncertainty as to the appropriateness of the Nitrogen limits for industrial and trade processes provided in Table 11(i).  ANZCO's preference is for Policy 11.4.10 to be deleted until such time as an appropriate Nitrogen limit can be developed for discharges from industrial or trade processes.	That this submission point be allowed in part.
<b>Policy 11.4.11</b>	Synlait Milk Ltd (54491)	V1pLWRP -1987	Support	The submitter's request that Policy 11.4.11 be amended to enable the greater of the two loss provisions to be considered, as follows:  <i>"Enable the discharge of wastewater, liquid waste or sludge waste from an industrial or trade process into or onto land which cumulatively will result in the exceedance of the nitrogen load limit in Table 11(i) only in circumstances where the activity is replacing a farming activity and the discharge will not exceed either the greater of 15 kg nitrogen per hectare per annum or the nitrogen baseline for the property ."</i>	ANZCO supports the submitter's proposal as the 15 kg N/ha/yr limit for discharges from industrial or trade processes under Policy 11.4.11 is unachievable for livestock processing discharges.	That this submission point be allowed.
<b>Policy 11.4.22</b>	Synlait Milk Ltd (54491)	V1pLWRP -2017	Support in part	The submitter's request that Policy 11.4.22(c) be amended so that surrender volumes are considered in light of efficient irrigation.	ANZCO considers that consent transfers should be addressed on a case by case basis under the RMA.  ANZCO's preference is for Policy 11.4.22(c) to be deleted.	That this submission point be allowed in part.

Plan Provision	Submitter/Submitter ID	ECan Sub ID	Support/ Oppose	Particular Part of Submission ANZCO Supports/Opposes	Reason for ANZCO's Support/Opposition	Decision sought by ANZCO
	Southbank Dairies Ltd (54489)	V1pLWRP -1994	Support in part	The submitter's request that Policy 11.4.22 be amended as follows: <i>"For land irrigated by an Irrigation Scheme shareholders of existing within the Irrigation Scheme Area shown on the Planning Maps, groundwater consents applying to that land do not can be transferred their permits to take and use groundwater within their farm enterprise; and (b) No permit to take and use groundwater is transferred from down-plains to up-plains; and (c) in all other cases 50% of any transferred water is surrendered. (c) where the permit holder is a shareholder in an irrigation scheme, the take is to be transferred within the permit holder's existing farm enterprise."</i>	ANZCO supports the submitter's proposal to delete clause (c) of Policy 11.4.22. ANZCO considers that consent transfers should be addressed on a case by case basis under the RMA.	That this submission point be allowed in part.
Policy 11.4.23	Synlait Milk Ltd (54491)	V1pLWRP -2018	Support	The submitter's request that Policy 11.4.23 be amended "so that allocation is based on technical efficiency and reliability. When water is reallocated do not decrease the rate of take just volume. Allocations must also allow for future growth of an activity, based on realistic expectations."	ANZCO agrees with the submitter's concerns about the approach taken by Policy 11.4.23 in using "demonstrated use" as a re-allocation mechanism.  ANZCO considers that the Variation should enable re-allocation for industrial uses such as livestock processing where it can be demonstrated that water usage has grown over time and/or is necessary to meet projected demand and/or is necessary to provide water in times of drought.	That this submission point be allowed.
	Southbank Dairies Ltd (54489)	V1pLWRP -1979	Support in part	The submitter's request that Policy 11.4.23 be deleted.	ANZCO agrees with the submitter's concerns about the approach taken by Policy 11.4.23 in using "demonstrated use" as a re-allocation mechanism.  ANZCO's preference is to retain Policy 11.4.23, subject to amendments that enable re-allocation for industrial uses such as livestock processing where it can be demonstrated that water usage has grown over time and/or is necessary to meet projected demand and/or is necessary to provide water in times of drought.	That this submission point be allowed in part.
<b>Section 11.5 – Rules</b>						
Rule 11.5.6	Synlait Milk Ltd (54491)	V1pLWRP -2023	Support in part	The submitter's request that there should be better clarity for landowners who receive industrial water as	ANZCO agrees that clarification needs to be provided in Variation 1 as to the position of	That this submission point be allowed in part.

Plan Provision	Submitter/Submitter ID	ECan Sub ID	Support/ Oppose	Particular Part of Submission ANZCO Supports/Opposes	Reason for ANZCO's Support/Opposition	Decision sought by ANZCO
				<p>a source of irrigation and/or nutrients.</p> <p>The submitter's request that Rule 11.5.6 be amended to include the following additional condition:  <u>"The property is used for the disposal of wastewater or liquid waste from an industrial or trade process and resource consent has been granted for that discharge that activity whereby providing restrictions on the amount of nutrients able to applied from the waste stream; or ..."</u></p>	<p>land based disposal of waste from industrial or trade processes.</p> <p>However, ANZCO is concerned that the submitter's proposal may create further uncertainty. ANZCO's preference is for all waste discharges from industrial or trade processes to be treated separately from farming activities under the Variation.</p>	
<b>Rule 11.5.25</b>	Synlait Milk Ltd (54491)	V1pLWRP -2042	Support	<p>The submitter's request that Rules 11.5.25 be amended as follows:  <u>"1. The discharge in addition to combination with all lawfully established existing discharges does not exceed the nitrogen load limit in Table 11(i) for industrial or trade processes; or</u>  <u>2. The activity is replacing an existing farming activity and The discharge is in accordance with the current nutrient baseline for the property; or</u>  <u>3. The discharge does not exceed 15 kg nitrogen per hectare per annum; and</u>  <u>4. The best practicable option is used for the treatment and discharge."</u></p>	<p>ANZCO supports the submitter's proposal as the 15 kg N/ha/yr limit for discharges from industrial or trade processes under Policy 11.4.11 is unachievable for livestock processing discharges.</p> <p>ANZCO agrees with the submitter's concern that the allocation for industrial and trade processes in Table 11(i) is incorrect and that more robust analysis is required to determine what this number should be allowing for adequate head room for growth.</p>	That this submission point be allowed.
<b>Rule 11.5.37</b>	Synlait Milk Ltd (54491)	V1pLWRP -2031	Support in part	<p>The submitter's request that Rule 11.5.37 be amended in line with the submitter's proposed changes to Policy 11.4.22 on the transfer of water permits.</p>	ANZCO considers that consent transfers should be addressed on a case by case basis.	That this submission point be allowed in part.
	Southbank Dairies Ltd (54489)	V1pLWRP -2004	Support in part	<p>The submitter's request that Rule 11.5.37 be amended to allow the transfer of water permits without restriction.</p>	ANZCO considers that consent transfers should be addressed on a case by case basis.	That this submission point be allowed in part.
<b>Rule 11.5.39</b>	Synlait Milk Ltd (54491)	V1pLWRP -2032	Support in part	<p>The submitter's request that Rule 11.5.39 be amended to include that transfers of non-consumptive takes are enabled and not prohibited and that transfers in zones that are not over-allocated are not prohibited.</p>	ANZCO considers Rules 11.5.37 should be amended to reflect Rules 5.133 and 5.134 of the pLWRP. In ANZCO's view, this would enable efficiency gains to be achieved from transferring allocated but unused water while still giving effect to the National Policy Statement for Freshwater Management.	That this submission point be allowed in part.
	Southbank Dairies Ltd (54489)	V1pLWRP -2006	Support in part	<p>The submitter's request that Rule 11.5.39 be amended to allow the transfer of water permits without restriction.</p>	ANZCO considers that consent transfers should be addressed on a case by case basis.	That this submission point be allowed in part.
<b>Section 11.7.3 – Water Quality Limits and Targets</b>						
<b>Table 11(i): Catchment</b>	Synlait Milk Ltd (54491)	V1pLWRP -2035;	Support in part	The submitter's request to:	ANZCO considers that there is significant uncertainty around the methodology adopted	That these submission points be allowed in part.

<b>Plan Provision</b>	<b>Submitter/Submitter ID</b>	<b>ECan Sub ID</b>	<b>Support/ Oppose</b>	<b>Particular Part of Submission ANZCO Supports/Opposes</b>	<b>Reason for ANZCO's Support/Opposition</b>	<b>Decision sought by ANZCO</b>
<b>Target and Limits for Nitrogen Losses</b>		2036		<p>Amend the 3<sup>rd</sup> column Table 11(i) from "Nitrogen Load" to "Nitrogen Loss in Soil Drainage" and relocate the table in a schedule outside the plan so it can easily be adjusted.</p> <p>Amend the nitrogen load limit for industrial and trade processes in Table 11(i) by adjusting the allocation above 106 tonnes to capture all consented discharges and allow for future growth in the zone.</p>	<p>for deriving the nitrogen limits for industrial or trade processes in Table 11(i).</p> <p>ANZCO's preference is for the proposed limits for industrial or trade processes in Table 11(i), and all other references to those limits in the Variation, to be deleted until an appropriate set of limits can be developed for those activities.</p>	