

From: [Jane Walsh](#)
To: [Mailroom Mailbox](#)
Cc: [Ensor, Tim \(tim.ensor@aecom.com\)](#); "[Craig Fowles](#)"; [Amanda Dewar](#); [Sophie Reese](#)
Subject: Submission on PC4 - ANZCO Foods Ltd, CMP Canterbury Ltd and Five Star Beef Ltd [LN-LNDMS.FID408158]
Date: Monday, 12 October 2015 10:58:03 a.m.
Attachments: [Submission on PC4 to the LWRP - ANZCO, CMP & Five Star Beef.pdf](#)
[Annexure A - Specific Submission Points.pdf](#)

Good morning,

We act for ANZCO Foods Ltd, CMP Canterbury Ltd, and Five Star Beef Ltd.

Please find **attached** for filing, a submission on Plan Change 4 to the Land and Water Regional Plan (including Annexure A to the submission) on behalf of those parties.

If you could confirm receipt of this submission please.

Regards,

Jane Walsh
Senior Associate

Lane Neave

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Form 5

Submission on publicly notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: The Chief Executive Officer
Canterbury Regional Council
PO Box 345
Christchurch 8140

NAME OF THE SUBMITTER:

1. **ANZCO Foods Limited, CMP Canterbury Limited and Five Star Beef Limited (ANZCO)**

Address: c/- Lane Neave
PO Box 2331,
Christchurch 8140

Contact: Amanda Dewar/Jane Walsh

Telephone: 03 364 6451

Email: amanda.dewar@laneneave.co.nz/jane.walsh@laneneave.co.nz

PROPOSAL THAT THIS SUBMISSION RELATES TO:

2. This is a submission on Plan Change 4 to the Land and Water Regional Plan (**PC4**).

TRADE COMPETITION STATEMENT:

3. ANZCO could not gain an advantage in trade competition through this submission.

SPECIFIC PROVISIONS THAT THIS SUBMISSION RELATES TO ARE:

4. PC4 in its entirety, including the associated section 32 report and other supporting documents.

SUBMISSION:

Introduction

5. ANZCO Foods Limited is a multinational group of companies whose core purpose is to procure, process and market New Zealand beef and lamb products internationally. It is one of New Zealand's largest exporters, with annual sales of \$NZ1.3 billion.
6. The ANZCO group of companies includes CMP Canterbury Limited (**CMP Canterbury**) and Five Star Beef Limited (**Five Star Beef**).

CMP Canterbury Limited

7. CMP Canterbury operates two livestock processing plants in the Canterbury Region: CMP Seafield and CMP Rakaia.
8. These plants process lamb, mutton and beef on a year round basis and process the cattle from the Five Star Beef feedlot.

9. CMP employs 920 staff in the peak processing period and contributes approximately \$45M to the local economy. CMP is the largest private enterprise employer in the Canterbury region.

Five Star Beef

10. Five Star Beef has operated a beef feedlot 6 km south of Wakanui since August 1991. This is the largest feedlot in New Zealand with a large portion of the product destined for the Japanese market. Angus and Angus cross cattle are reared on the feedlot to meet the strict requirements of this market. Feed is sourced from local farming suppliers to cater for year round expectations.

Relevance of Plan Change 4

11. CMP Canterbury currently holds resource consents to take and use water, including associated bore permits, 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.
12. Five Star Beef holds a range of resource consents including those to take and use water, discharge animal effluent and stormwater to land. Five Star Beef also relies on the ability to discharge solid animal waste to land including that of neighbouring farms.
13. CMP Canterbury and Five Star Beef are dependant on their suppliers. The livestock processing industry does not exist without farming and farming is, in turn, reliant on the processing industry to turn livestock into a saleable product.

Overall Position on Plan Change 4

14. In part, ANZCO supports PC4. However, overall, ANZCO **opposes** PC4 because it considers that, without the amendments made as sought in **Annexure A**, PC4:
 - (a) will not promote the sustainable management of natural and physical resources;
 - (b) will not provide for the efficient use and development of natural and physical resources;
 - (c) is otherwise inconsistent with the relevant provisions of the Resource Management Act 1991 (**Act**), including the purposes and principles of Part 2 of the Act; and
 - (d) does not result in the most appropriate plan provisions in terms of section 32 of the Act.

Specific Concerns

15. In particular, but without limiting the generality of the foregoing, ANZCO opposes PC4 for the reasons set out in **Annexure A** to this submission.

Decision Sought:

16. ANZCO seeks the following decision from ECan:
 - (a) that the relief sought by ANZCO, as set out in the table attached as **Annexure A**, be granted; and
 - (b) any consequential decisions required to address the matters raised in ANZCO's submission.

ANZCO Wishes to be Heard In Support of Its Submission:

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

ANZCO FOODS LIMITED, CMP CANTERBURY LIMITED AND FIVE STAR BEEF LIMITED by its

Solicitors and authorised agents **LANE NEAVE**

Per:



AC Dewar/ JE Walsh

Date: 12 October 2015

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ANNEXURE A – SCHEDULE OF SPECIFIC SUBMISSIONS

Sub #	The provisions of the Proposed Variation that the ANZCO's submission relates to are:	ANZCO's submission is that:		ANZCO seeks the following decisions from Environment Canterbury: Note: Changes are indicated through bold strikeout and <u>double underline</u> .
		Oppose/ Support in Part/ Support	Reasons	
Definitions				
1	Animal Effluent: Animal effluent means faeces and urine from animals other than humans, including associated process water, wash-down water, contaminants and sludge but excluding solid animal waste. <u>For the purposes of this definition, it does not include incidental animal effluent present in livestock processing waste streams.</u>	Support	ANZCO supports the clarification through the exclusion of incidental animal effluent in this definition as it assists in creating a clearer plan.	Retain definition as notified.
2	Community Water Supply: Means water taken primarily for group drinking-water supply and includes group drinking-water supply, and community drinking-water supply, but may also be used for other purposes such as supply to institutional, industrial, processing, or stockwater purposes, or amenity irrigation use and fire-fighting activities.	Oppose	<p>Communities rely on livestock processors to provide food. They provide an essential service to people.</p> <p>The relationship between farmers and livestock processors means that they rely on each other to realise the economic benefit of their individual activities. Because of this relationship, the expansion of meat processing facilities sits behind the development curve for the wider agricultural sector. Where there is pressure on natural resources such as fresh water, livestock processing activities are often left to attempt to gain authorisation to use an over allocated resource.</p> <p>ANZCO requests that the definition of community water supply is amended so as to clarify that water taken for livestock processing is a primary use of water from a community water supply alongside community drinking water supply.</p> <p>This would ensure consistency with Schedule 25 -Water Supply Strategy that outlines the contents of any strategy supplies with an application to take and use community water supply. Both Rule 5.115.2 and Schedule 25 is explicit at(1)(5) that primary water uses can be for stockwater, domestic, industrial or commercial which includes livestock processing under industrial activities.</p>	<p>Amend definition to:</p> <p>Community Water Supply:</p> <p>Means water taken primarily for group drinking-water supply and includes group drinking-water supply, and community drinking-water supply, but <u>and includes that may also be used for other purposes such as</u> supply to <u>for</u> institutional, industrial, processing, <u>or</u> stockwater <u>purposes</u>, or amenity irrigation use and fire-fighting activities.</p>

Sub #	The provisions of the Proposed Variation that the ANZCO's submission relates to are:	ANZCO's submission is that:		ANZCO seeks the following decisions from Environment Canterbury: Note: Changes are indicated through bold strikeout and double underline.
		Oppose/ Support in Part/ Support	Reasons	
3	Wastewater: Means liquid waste (and liquids containing waste solids) from domestic, industrial or commercial premises, including, but not limited to sewage, toilet wastes, and grey water (household wastewater from kitchens, bathrooms and laundries), but excludes stormwater, <u>trade wastes and other industrial or trade process wastes.</u>	Support in part	This amended definition now means that the discharge of processing water from ANZCO's sites is not considered to be wastewater as industrial or trade process wastes are specifically excluded by this amendment. This assists in clarifying the rule framework that applies to industrial discharges undertaken by ANZCO. However, as there is no definition of either "sewage or <u>trade wastes and other industrial or trade process wastes</u> " there is potential for ambiguity as to whether waste from livestock processing activities falls under these terms. Therefore consequential amendments to include a definition for those terms or otherwise an amendment to the definition of wastewater is sought to address this ambiguity.	Amend the definition as follows: Wastewater: Means liquid waste (and liquids containing waste solids) from domestic, industrial or commercial premises, including, but not limited to sewage, toilet wastes, and grey water (household wastewater from kitchens, bathrooms and laundries), but excludes stormwater, trade wastes and other industrial or trade process wastes <u>(which includes waste from livestock processing)</u> .
Region Wide Policies				
4	Discharge of contaminants to land or to water Policy 4.13 For other discharges of contaminants into or onto land where it may enter water or to surface water bodies or groundwater (excluding those passive discharges to which Policy 4.26 applies), the effects of any discharge are minimised by the use of measures that: (a) first, avoid the production of the contaminant; (b) secondly, reuse, recover or recycle the contaminant; (c) thirdly, minimise the volume or amount of the discharge; or (d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and (e) in the case of surface water, results in a discharge that after reasonable mixing: <u>(i) meets the receiving water standards in Schedule 5 as a first priority.; and</u> <u>(ii) as a second priority, does not result in any further degradation in water quality in any receiving surface waterbody that does not meet the water quality standards in Schedule 5 or any applicable water conservation order.</u>	Support in part.	The policy as amended places undue emphasis on avoidance when there may be other solutions which, although having adverse environmental effects, might have offsetting positive effects. It is also inconsistent with the "gifts and gains" approach the LWRP purports to take in its "Key Approaches" in Section 1.2.3 and the purpose of the RMA.	Amend 4.13 (e) (ii): <u>(ii) as a second priority, does not result in avoids, remedies or mitigates the effects of any further degradation in water quality in any receiving surface waterbody that does not meet the water quality standards in Schedule 5 or any applicable water conservation order.</u>
5	Policy 4.49 Enable the taking of water for a community water supply by not requiring compliance with any minimum or residual flow	Support in part	Schedule 25 clarifies the types of water use that can be undertaken as part of a community water supply. Given the essential services that livestock processors play in providing food	Retain Policy 4.49 provided Schedule 25 is amended to include reference to livestock processing.

Sub #	The provisions of the Proposed Variation that the ANZCO's submission relates to are:	ANZCO's submission is that:		ANZCO seeks the following decisions from Environment Canterbury: Note: Changes are indicated through bold strikeout and double underline.
		Oppose/ Support in Part/ Support	Reasons	
	or partial restriction conditions and the environmental flow and allocation regime or groundwater allocation limit provided a water supply strategy <u>developed in accordance with Schedule 25</u> is in place and the water supply is so managed as to restrict the use of water from those supplies during periods of low flow or water levels.		to communities, and in order to provide additional clarity, ANZCO requests that livestock processing is specifically referenced within point 1(5) of Schedule 25 as a primary water use as outlined in its submission point on the schedule below. On the basis that water abstractions associated with livestock processing are subject to this Policy and therefore Schedule 25, the amendment is supported.	

Sub #	The provisions of the Proposed Variation that the ANZCO's submission relates to are:	ANZCO's submission is that:		ANZCO seeks the following decisions from Environment Canterbury: Note: Changes are indicated through bold strikeout and double underline.
		Oppose/ Support in Part/ Support	Reasons	
Region Wide Rules				
6	<p>Industrial and Trade Wastes Rule 5.91</p> <p>The discharge of any wastewater, liquid waste or sludge waste from an industrial or trade process, including livestock processing, excluding sewage wastewater, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The volume of the discharge does not exceed 10 m3 per day; and 2. The discharge is at a rate not exceeding 5 mm per day; and 3. The discharge does not contain any hazardous substance; and 4. The discharge is not: <ol style="list-style-type: none"> (a) directly to a surface water body, or within 50 m of a surface water body, a bore used for water abstraction, a dwelling house, school, community facility or the Coastal Marine Area; or and (b) within a Group or Community Drinking-water Protection Zone as set out in Schedule 1; or and (c) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps; or and (d) onto or into land over an unconfined or semi-confined aquifer, where the land has less than 0.3 m depth of soil; or and (e) within any area or zone identified in a proposed or operative district plan for residential or commercial purposes; or and (f) within a Nutrient Allocation Zone identified as "At Risk" (Orange) or "Water Outcomes Not Met" (Red) on the Planning Maps, unless the discharge contains no nitrogen or phosphorus, or otherwise causes a limit in Schedule 8 to be exceeded; or and (g) onto or into contaminated or potentially contaminated land. 	Support in part	<p>ANZCO supports the deletion of wastewater from this rule as it assists in removing ambiguity and avoids duplication with other rules for discharges associated with livestock processing.</p> <p>It notes however that the definition of wastewater is still somewhat ambiguous as it relates to livestock processors given there is no definition of "sewage" or "trade wastes and other industrial or trade process wastes" and therefore consequential amendments to include a definition for those terms or otherwise an amendment to the definition of wastewater is sought to address this ambiguity.</p>	<p>Retain the amendments to Rule 5.91 as notified, but either:</p> <p>Amend the definition of wastewater as above or otherwise include a definition of "sewage" (to exclude livestock processing discharges) or "trade wastes and other industrial or trade process wastes" (to include livestock processing discharges) to address this ambiguity.</p>
7	<p>Rule 5.92</p> <p>The discharge of any wastewater, liquid waste or sludge waste from an industrial or trade process, including</p>	Support in part	<p>ANZCO supports the deletion of wastewater from this rule as it assists in removing ambiguity and further assists in avoiding duplication with other rules for discharges associated with</p>	<p>Amend Rule 5.92 by adding the following note after the rule: <u>The discharge from activities such as</u></p>

Sub #	The provisions of the Proposed Variation that the ANZCO's submission relates to are:	ANZCO's submission is that:		ANZCO seeks the following decisions from Environment Canterbury: Note: Changes are indicated through bold strikeout and double underline.
		Oppose/ Support in Part/ Support	Reasons	
	livestock processing, excluding sewage wastewater, into or onto land, or into or onto land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.91 is a discretionary activity.		<p>livestock processing. However, as raised at the hearing on the originally notified LWRP there is still the potential for inconsistent application of the various rules to livestock processors.</p> <p>As the scope of Plan Change 4 is to ensure that the Plan is workable and such errors are resolved, ANZCO considers there is scope to include an advice note under Rule 5.92 to ensure that trade wastes from its processing activities captured under these rules are not also inadvertently captured under other rules that could be interpreted as also applying, due to the components in a livestock processors waste stream. That is, livestock processors waste includes effluent, which could be regarded as a fertiliser and could also be regarded as either a nutrient from a farming activity (under rules 5.41 – 5.62) or if not considered a farming activity, otherwise under the catch all non-complying rule 5.67 for incidental nutrient discharges (which do not specifically relate to farming activities). This should be clarified in this omnibus plan change as it is an administrative interpretation issue.</p> <p>The advice note sought to be added to Rule 5.92 addresses and clarifies this issue.</p> <p>A further consequential change is sought to add a new definition of farming activity to further clarify matters.</p>	<p><u>livestock processors contains effluent from animals. If consent is required for these discharges Rules 5.91 and 5.92, then consent is not required under Rules 5.41 – 5.64 (nutrient discharges and incidental discharges) any applicable sub-regional nutrient and incidental nutrient discharge rules (including rules 11.5.6 – 11.5.17), and 5.65 – 5.67 (fertiliser use).</u></p> <p>As a consequential change, Include the following definition for farming activity:</p> <p><u>Farming Activity: means the activity of growing crops and/or raising livestock. This does not include livestock processing operations including their discharges to land.</u></p>
	Small and Community Water Takes Rule 5.115	Support	ANZCO supports the insertion of wording of Rule 5.115 provided commensurate changes (as detailed above and below) are made to Schedule 25 and the definition of Community Water Supply.	Retain Rule 5.115 as notified but make changes to the definition of Community Water Supply and Schedule 25 as above and below.
8	Take and Use Groundwater Rule 5.128.	Support	<p>ANZCO supports the insertion of wording of Rule 5.128 (4) as it ensures that a situation does not arise where a long established bore may need to be moved, deepened or abandoned due to interference effects on a bore that was drilled nearby later in time.</p> <p>ANZCO notes however, that consequential changes to relevant sub-regional rules such as 11.5.32(8) also need to be made</p>	Retain Rule 5.128(4) as notified but make the same consequential amendments to applicable sub-regional rules such as 11.5.32(8).
Schedules				
9	Schedule 25	Support in part	A clean, secure supply of water is essential to ANZCO's operation and Schedule 25 assists in clarifying the water uses that may occur as a Community Water Supply.	Amend Schedule 25 1(5) to reflect the uses of water that fall under the definition of Community Water Supply.

Sub #	The provisions of the Proposed Variation that the ANZCO's submission relates to are:	ANZCO's submission is that:		ANZCO seeks the following decisions from Environment Canterbury:
		Oppose/ Support in Part/ Support	Reasons	Note: Changes are indicated through bold strikeout and double underline.
			On this basis the Schedule is supported. However, ANZCO requests that livestock processing is included within point 1(5) of Schedule 25 as a primary water use to better recognise this activity as an industrial water uses.	[...] (4) the estimated population supplied, or to be supplied, by the network; and (5) primary water uses e.g. stockwater, domestic, industrial (including livestock processing) or commercial use; and (6) expected peak demand water requirements [...]