

**From:** [Judy-Anne Stapleton](#) on behalf of [Ben Williams](#)  
**To:** [Mailroom Mailbox](#)  
**Subject:** PC4 pLWRP Further Submission - Fonterra processing  
**Date:** Monday, 16 November 2015 12:17:46 p.m.  
**Attachments:** [Fonterra\\_PC4\\_Further\\_Submission.pdf](#)

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Good afternoon,

Please find **attached** the further submission of Fonterra Limited in relation to plan change 4 (the 'omnibus plan change') (PC4).

As set out, these further submissions are confined to issues relating to Fonterra's dairy processing activities in Canterbury.

Please acknowledge receipt.

Kind regards,  
Ben

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## FONTERRA LIMITED

# PROPOSED PLAN CHANGE 4 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN FURTHER SUBMISSIONS

**To:** Environment Canterbury

**Submitter:** **Fonterra Limited**  
(Client representative – Brigid Buckley)

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1. Fonterra Limited (Fonterra) is a person who has an interest in the proposal that is greater than the interest of the general public.
2. Fonterra has significant assets and operational interests within the Canterbury region. These include the Darfield, Clandeboye, Studholme, Kaikoura and Culverden milk processing sites.
3. Fonterra lodged two submissions on the notified proposed Plan Change 4 (PC4) to the Canterbury Land and Water Regional Plan (CLWRP). One submission focussed on aspects of the plan change that potentially impact Fonterra's milk processing operations - listed as Submission C15C/153331.
4. The other was a joint submission made with DairyNZ which addresses on-farm issues associated with the plan change – listed as Submission C15C/152801.
5. The attached schedule sets out Fonterra's further submissions in respect of submission points made by other parties. These further submissions are confined to issues relating to Fonterra's dairy processing activities in Canterbury.

6. Fonterra wishes to be heard in support of its submission points and would be prepared to consider presenting a joint case with submitters raising similar concerns.



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**Jo Appleyard / Ben Williams**  
Partner / Senior Associate  
Chapman Tripp

Dated: 16 November 2015

# Further Submission Points on Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan

16 November 2015

The text and changes in proposed PC4 as notified are shown in black ~~strike through~~ and underlining. Submitter relief is shown in red ~~strike through~~ and underlining.

REF	SUBMITTER	SECTION	RELIEF SOUGHT	SUPPORT / OPPOSE	REASONS	DECISION SOUGHT
C15C/ 152709	ANZCO	Policy 4.13	Amend 4.13 (e) (ii): “(ii) as a second priority, <del>does not result in avoids, remedies or mitigates the effects of</del> <u>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	Fonterra supports this additional wording as it improves clarity.  The Resource Management Act 1991 requires that a consent holder adopt the best practicable option to prevent or minimise any adverse effect resulting from a discharge. The proposed wording is consistent with that legislative guidance.	Fonterra seeks that this relief be accepted.
C15C/ 153077	Director General of Conservation	Rules 5.77 and 5.78	Fonterra notes that some changes requested by the submitter have not been tracked as changes to the notified rules, and has attempted to record those changes as well below.  Amend Rules 5.77 and 5.78 as follows:  “5.77 The discharge of <u>drainage water from a drainage system</u> <del>that may contain contaminants from sub-surface or surface drains</del> into a river, lake or wetland is a permitted activity, provided the following conditions are met:  1. The discharge of land drainage water is only from a drainage system, the full	Oppose	Fonterra prefers the drafting of these provisions as notified in the proposed PC4. In particular, Fonterra is opposed to the re-introduction of the requirement relating to objectionable odour. The Section 32 report recognises the fact that references to ‘objectionable odour’ should be deleted in recognition of the fact that discharges to air are not within the scope of the matters managed by the pCLWRP.  As a matter of clarification, Fonterra notes that it anticipates that this submission point is intended to capture on-farm drainage systems, such as tile	Fonterra seeks that this relief be rejected.

**Fonterra Limited**

Further Submissions on the Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan

REF	SUBMITTER	SECTION	RELIEF SOUGHT	SUPPORT / OPPOSE	REASONS	DECISION SOUGHT
			<p>spatial extent of which existed at 3 July 2004; and</p> <p>2. The concentration of:</p> <p>(a) total suspended solids in the discharge does not exceed 50 g/m<sup>3</sup>; and</p> <p>(b) un-ionised hydrogen sulphide in the discharge does not exceed 0.005 g/m<sup>3</sup>; and</p> <p>3. The discharge, beyond the Mixing Zone as defined in Schedule 5, does not <u>produce</u>:</p> <p>(a) <del>produce</del> conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</p> <p>(b) <del>produce</del> any conspicuous change in the colour or visual clarity; <u>and</u> or</p> <p><u>(c) any emission of objectionable odour; or</u></p> <p><u>(d) the rendering of fresh water unsuitable for consumption by farm animals, or</u></p> <p><u>(e) any significant adverse effects on aquatic life; and</u></p> <p><del>(e) produce any emission of objectionable odour; and</del></p> <p>4. The discharge does not:</p> <p>(a) occur within a <del>Group</del> or Community</p>		<p>drains, and not those associated with industrial sites which are appropriately regulated through other provisions in the pCLWRP.</p>	

REF	SUBMITTER	SECTION	RELIEF SOUGHT	SUPPORT / OPPOSE	REASONS	DECISION SOUGHT
			<p>Drinking-water Protection Zone as set out in Schedule 1; or</p> <p>(b) contain any hazardous substance.</p> <p><u>5. the location of the drain outlet position is mapped and provided to ECan by 31 December 2020</u></p> <p>5.78A The discharge of <u>drainage water from a drainage system that may contain contaminants from sub-surface or surface drains</u> into a river, lake or wetland that does not meet the conditions of-Rule 5.77 is a discretionary activity, <u>provided the following condition is met.</u></p> <p><u>1. Where the location of the surface and sub-surface drains and outlet position is mapped and provided to ECan.</u></p> <p><u>5.78B The discharge of drainage water from a drainage system into a river lake or wetland that does not meet the conditions of Rule 5.78A is a non-complying activity.”</u></p>			
C15C/153093	The Oil Companies	Schedule 25 water supply strategy	<p>Delete Schedule 25</p> <p>OR</p> <p>If retained, amend it to require an assessment of potential impacts and constraints on other land uses with written approvals of affected parties</p>	Support	Fonterra agrees with the Oil Companies that Schedule 25 has the potential to create a situation in which non-notified consent applications act as de facto plan changes with implications for existing users. The introduction of any new protection zones should be by way of a	Fonterra seeks that this relief be accepted.

REF	SUBMITTER	SECTION	RELIEF SOUGHT	SUPPORT / OPPOSE	REASONS	DECISION SOUGHT
			required (or limited notification).		plan change process.	

Further submission ends.