

*Tabled @ Hearing  
TUESDAY 15.03.16  
ANZCO  
Foods*

**Before the Independent Commissioners**

In the Matter of                      the Resource Management Act 1991

And

In the Matter of                      the Proposed Plan Change 4 the Partially Operative  
Canterbury Land and Water Regional Plan

**Legal Submissions  
on behalf of ANZCO Foods Limited  
(Submitter ID 65894)**

Dated:      March 2016

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## INTRODUCTION

1. ANZCO Foods Limited made submissions and further submissions on this Plan Change.
2. Informal discussions have taken place with Council staff. As a consequence most of ANZCO's concerns have been resolved and are reflected in the Section 42A report.
3. These brief submissions focus on the one matter that has not been able to be resolved. This relates to the submission by ANZCO to amend the definition of Community Water Supply to include water taken for livestock processing to be considered as a Community Water Supply rather than being limited as part of a community drinking water supply.
4. The Council's Reporting Officer considers this would have the effect of elevating some purely commercial uses of water above others and may result in equity issues between competing commercial interests.
5. In order to alleviate these concerns I have reduced the scope of the relief sought by ANZCO and have suggested some text changes which are attached as **Annexure 1**.
6. I have included two alternatives that will enable ANZCO to use its allocated water supply for ongoing business operations but at the same be able to respond to any emergency conditions that may arise in the future.
7. In my submission the suggested amendments do not offend the "King Salmon" principles in terms of not giving effect to the relevant principles of the NZSFM 2014. This includes in particular Objective B2 which seeks to avoid any further over-allocation of fresh water and phase out existing over-allocation. In my submission the effect of the amended rule would be minor or transitory given the limited scope of the suggested amendments.

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A C Dewar  
Counsel for ANZCO Foods Limited

**Annexure 1**  
**Suggested Text Changes**

Community Water Supply means water taken:

1. primarily for ~~group drinking-water supply and includes group drinking-water supply, and~~ community drinking-water supply, ~~but and includes~~ that ~~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; ~~or~~
- ~~1-2.~~ for livestock processing from a processing facility existing as at [date ] during emergency conditions for an abstraction period not exceeding 6 months. For the purpose of this definition, emergency conditions means an event or condition such as drought or biosecurity risk that causes an unexpected increase in livestock being processed.

OR as an alternative/consequential amendment, retain the definition of Community Water Supply as per the Section 42A Report but add new rule:

**Rule 5.X**

The taking and use of groundwater that does not meet conditions 2 and 3 in Rule 5.128 and is associated with livestock processing from a processing facility existing as at [date] during emergency conditions<sup>1</sup> for an abstraction period not exceeding 6 months, is a restricted discretionary activity.

***The exercise of discretion is restricted to the following matters:***

1. The rate, volume and duration of the take;
2. Whether the amount of water to be taken and used is reasonable for the proposed use;
3. The actual or potential adverse environmental effects the take has on any other authorised takes, including interference effects as set out in Schedule 12;
4. The availability and practicality of using alternative supplies of water; and
5. The protection of groundwater sources, including the prevention of backflow of water or contaminants.
6. The nature of the emergency conditions, their duration and the amount of additional water abstraction that is necessary.

<sup>1</sup> For the purpose of this rule emergency conditions means: an event such as a drought or a biosecurity risk which causes an unexpected increase in livestock being processed