

## 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](http://waikatoregion.govt.nz/healthyivers)

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

Name of submitter (individual/organisation)	King Country Energy Limited	
Contact person (if applicable)	Mr. Chris Fincham - King Country Energy General Manager	
Agent (if applicable)	Enspire Consulting - Bridgette Munro	
Email address for service	cfincham@kce.co.nz and bridgette@enspire.co.nz	
Postal address for service	King Country Energy Limited, Po Box 363	
	Taumarunui	
		Post code: 3946
Phone number/s	Home:	Business: 07 8960100
	Mobile: 0274792388	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):

King Country Energy Limited lodged primary submissions to proposed Plan change 1 to the Waikato Regional Plan on the 3rd of March 2017. The Company has three hydroelectric power generation schemes in the Waikato region being Kuratau, Mokauiti and Wairere.

**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 10 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 PP Baker Date 13th of September 2018  
*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.

**FURTHER SUBMISSIONS ON PROPOSED PLAN CHANGE 1 AND VARIATION 1 TO PROPOSED PLAN CHANGE 1**

**NAME OF ORIGINAL SUBMITTER:** King Country Energy Limited **ORIGINAL SUBMITTER ID:** 60693

**ADDRESS OF ORIGINAL SUBMITTER:** King Country Energy Limited, Po Box 363, Taumarunui, 3946.

*Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal. Also indicate the Submission Point ID.*

**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

**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*

**I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART]) OF THE SUBMISSION BE ALLOWED (OR DISALLOWED):** *Give precise details*

Please refer to the attached document.

## 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: [healthyivers@waikatoregion.govt.nz](mailto:healthyivers@waikatoregion.govt.nz)**



**FURTHER SUBMISSION TO PROPOSED PLAN CHANGE 1 TO THE  
WAIKATO REGIONAL PLAN**

**TO:** Chief Executive  
401 Grey Street  
Private Bag 3038  
Waikato Mail Centre  
HAMILTON 3240

**BY E-MAIL:** [healthyivers@waikatoregion.govt.nz](mailto:healthyivers@waikatoregion.govt.nz)

**FURTHER SUBMISSION ON:** **Proposed Plan Change 1 to the Waikato  
Regional Plan**

**NAME OF FURTHER SUBMITTER:** King Country Energy Limited

**ADDRESS FOR SERVICE:** King Country Energy Limited  
PO Box 363  
TAUMARUNUI, 3946  
  
Attention: Mr. Chris Fincham

**Phone:** (07) 8960100

**Email:** [cfincham@kce.co.nz](mailto:cfincham@kce.co.nz)

## 1.0 INTRODUCTION

King Country Energy Limited (hereafter referred to as 'KCE', or 'the Company') lodged primary submissions to proposed Plan Change 1 to the Waikato Regional Plan on the 3<sup>rd</sup> of March 2017. The Company has an interest in the various provisions and submission points that is greater than that of the general public.

KCE wishes to be heard in support of its submissions and further submissions. If others make similar further submissions, KCE would consider presenting a joint case with them at any hearing.

KCE cannot gain an advantage in trade competition through these submissions.

KCE's further submissions and the reasons for the same are set out within the following table, entitled 'Further Submissions to proposed Plan Change 1 to the Waikato Regional Plan.'

Signature:



Chris Fincham, for and on behalf of King Country Energy Limited

Date: 13<sup>th</sup> of September 2018

## 2.0 FURTHER SUBMISSIONS TO PROPOSED PLAN CHANGE 1 TO THE WAIKATO REGIONAL PLAN

Submitter ID Number	Submission Name	Relevant Proposed Plan Change 1 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By KCE
73714	<p><b>Contact Energy Limited</b></p> <p>(hereafter referred to as 'Contact')</p> <p>Genelle Slack Environmental Advisor Contact Energy Limited Wairakei Power Station Private Bag 2001 TAUPO 3352</p> <p><a href="mailto:Genelle.slack@contactenergy.co.nz">Genelle.slack@contactenergy.co.nz</a></p>	<p><b>Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges</b></p> <p>Submission Point PC1-7380</p> <p>The submitter requested the following relief:</p> <p>Amend Policy 11 to the following:</p> <p><i>“Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges</i></p> <p><i>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. Where it is not practicable to avoid or mitigate <u>all any significant</u> 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</i></p>	Support.	<p>King Country Energy Limited (hereafter referred to as 'KCE' or 'the Company') supports the direction provided within Policy 11 for the adoption of the Best Practicable Option with regard to managing point source discharges and the provision within the policy which allows for offsetting the adverse effects of discharges to occur at alternative locations (subject to various restrictions).</p> <p>Contact have requested that the words 'all adverse effects' are amended to 'any <b>significant</b> adverse effects', stating that the removal of all adverse effects in many cases may not be feasible or practical, and that mitigation needs to be relative to the scale of the effect. KCE supports this approach noting that it is not always appropriate or necessary to avoid an adverse effect that is minor, or less than minor in scale.</p>	<p>KCE seeks:</p> <p>That Submission Point PC1-7380 be accepted.</p>

		<p>the:</p> <ul style="list-style-type: none"> <li>a. <i>Primary discharge does not result in any significant toxic adverse effect at the point source discharge location; and</i></li> <li>b. <i>Offset measure is for the same contaminant; and</i></li> <li>c. <i>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^ or a Freshwater Management Unit^ located upstream, and</i></li> <li>d. <i>Offset measure remains in place for the duration of the consent and is secured by consent condition.”</i></li> </ul> <p>Further to the amendment above ensure that all adverse effects of a point source discharge are not required to be avoided, mitigated or offset and amend to allow existing and low discharging activities to continue or to be established for both point and diffuse source discharges.</p>			
74048	<p><b>Fulton Hogan Limited</b></p> <p>Sharon Dines</p> <p>Fulton Hogan</p>	<p><b>Objective 2: Social, economic and cultural wellbeing is maintained in the long term</b></p> <p>Submission Point PC1-10740</p> <p>The submitter requested the following relief:</p>	Support	<p>KCE supports the intent of Objective 2 in that it is consistent with Part II of the Act.</p> <p>KCE accepts that water quality plays a vital role in enabling communities to</p>	<p>KCE seeks:</p> <p>That Submission Point PC1-10740 be accepted.</p>

	<p>Limited C/o- Boffa Miskell Limited PO Box 91-250 Auckland 1142</p> <p>Sharon.Dines@bof famiskell.co.nz</p>	<p><i>“Objective Two: Social, economic and cultural wellbeing is maintained in the long term</i></p> <p><i>Waikato and Waipa communities and their economy benefit from the restoration and protection of water quality in the Waikato River catchment, <del>which</del> 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.”</i></p>		<p>provide for their social economic and cultural wellbeing. However, KCE considers that no community should face undue social and economic costs in achieving improved water quality, in this regard, a balanced approach is required.</p>	
74122	<p><b>The Royal Forest and Bird Protection Society</b></p> <p>Jen Miller</p> <p>The Royal Forest and Bird Protection Society of New Zealand PO Box 2516 Christchurch</p> <p><a href="mailto:j.miller@forestanbird.org.nz">j.miller@forestanbird.org.nz</a></p>	<p><b>Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit</b></p> <p>Submission Point PC1-8218</p> <p>The submitter requested the following relief:</p> <p><del>“Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit. The restoration and protection of water quality to achieve healthy rivers by 2050.”</del></p> <p>AND RETAIN the explanation.</p> <p><b>Reasons for Objective 1</b></p> <p>Submission Point PC1-8228</p> <p>The submitter requested the following relief:</p>	Oppose	<p>KCE is supportive of the 80-year timeframe proposed within proposed Objective 1 to achieve the Vision and Strategy set out in Plan Change 1. The Company considers that this timeframe is both appropriate and achievable in that it takes into account the socio-economic effects of implementing a change in management practices.</p> <p>In this regard, the Company considers that the 80-year timeframe recognises that achieving these targets will be difficult and costly to the community, and that new technologies and practices will be needed that are not currently available or economically feasible. It also recognises that considerable tracts of land will need to change land-use to de-intensify</p>	<p>KCE seeks:</p> <p>That Submission Points PC1-8218 and PC1-8228 be rejected.</p>

		AMEND the reasons for adopting Objective 1 to reflect the changes sought for Objective 1.		discharges of contaminants.  In summary, KCE considers that an 80-year timeframe is realistic in terms of achieving the water quality targets set out in Table 3.11-1, given the complexity of managing diffuse discharges, the scale of the change in water quality sought and the very significant costs to the community and inability to adapt if such changes are driven over a shorter period.	
74122	<p><b>The Royal Forest and Bird Protection Society</b></p> <p>Jen Miller</p> <p>The Royal Forest and Bird Protection Society of New Zealand PO Box 2516 Christchurch</p> <p><a href="mailto:j.miller@forestanbird.org.nz">j.miller@forestanbird.org.nz</a></p>	<p><b>Objective 2: Social, economic and cultural wellbeing is maintained in the long term</b></p> <p>Submission Point PC1-8220</p> <p>The submitter requested the following relief:</p> <p><i>“The restoration, protection and enhancement of water quality contributes to social, economic and cultural well-being. <del>Social, economic and cultural wellbeing is maintained in the long term.</del>”</i></p>	Oppose	<p>While the restoration, protection and enhancement of water quality contributes to social, economic and cultural wellbeing, KCE considers that the approach to achieving water quality must be balanced as intended by the purpose of the Resource Management Act 1991 (‘the Act’ or ‘the RMA’).</p> <p>KCE considers that the wording of Objective 2 as notified, provides some assurance that the scale and rate of change will not inflict undue social, economic and cultural costs on the community.</p>	<p>KCE seeks:</p> <p>That Submission Point PC1-8220 be rejected.</p>
74122	<p><b>The Royal Forest and Bird Protection Society</b></p> <p>Jen Miller</p>	<p><b>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.</b></p> <p>Submission Point PC1-8221</p>	Oppose	<p>KCE considers that the target of achieving 10 percent of the required water quality improvement by 2026 to be realistic. To require the achievement of immediate improvements may not be possible</p>	<p>KCE seeks:</p> <p>That Submission Points PC1-8221, PC1-8230 and PC1-8257 be rejected.</p>

	<p>The Royal Forest and Bird Protection Society of New Zealand PO Box 2516 Christchurch</p> <p><a href="mailto:j.miller@forestanbird.org.nz">j.miller@forestanbird.org.nz</a></p>	<p>The submitter requested the following relief:</p> <p><del><i>“Immediate improvements are achieved in water quality in each sub-catchment and Freshwater Management Unit 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”</i></del></p> <p>AND AMEND the explanation to read:</p> <p><del><i>“Actions are put in place and implemented by 2026 immediately 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 water quality attribute targets in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute targets in Table 3.11-1”</i></del></p> <p><b>Reasons for Objective 3</b></p> <p>Submission Point PC1-8230</p> <p>The submitter requested the following relief:</p> <p>AMEND the reasons for adopting Objective 3 to reflect the changes sought in Objective 3.</p>	<p>and would likely give rise to significant costs and economic hardship to those who must implement immediate measures to bring about the required improvements.</p>	
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		<p>AND AMEND to ensure the Council set dates for limits/targets in a rule to trigger a review of consents on a sub-catchment or Freshwater Management Unit basis.</p> <p><b>Policy 5: Staged Approach</b></p> <p>Submission Point PC1-8257</p> <p>The submitter requested the following relief:</p> <p><i>“Recognise that achieving the water quality attribute targets set out in Table 11-1 will need to be staged over <u>35 years</u> <del>80 years</del>, to minimise social disruption and allow for innovation and new practices to develop, while making a start on reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens, and preparing for further reductions that will be required in subsequent regional plans. <u>Requiring reductions immediately, an additional reduction in the medium to long term where these are necessary to achieve the targets.</u>”</i></p>			
73182	<p><b>Mercury Limited</b></p> <p>Miles Rowe PO Box 445</p>	<p>NZ</p> <p><b>Policy 9: Sub-catchment (including edge of field) mitigation planning, co-ordination and funding</b></p> <p>Submission Point PC1-9569</p>	Support	<p>KCE supports in principle a collaborative approach to sub-catchment mitigation planning in order to efficiently and effectively contribute to water quality</p>	<p>KCE seeks:</p> <p>That Submission Point PC1-9569 be accepted.</p>

	HAMILTON 3240 <a href="mailto:Miles.rowe@mercury.co.nz">Miles.rowe@mercury.co.nz</a>	<p>The submitter requested the following relief:</p> <p><i>“Take a prioritised and integrated approach to sub-catchment water quality management by undertaking sub-catchment planning, and use this planning to support actions including edge of field mitigation measures. Support measures that efficiently and effectively contribute to water quality improvements. This approach includes:</i></p> <p><i>a. Engaging early with tangata whenua and with landowners, <u>stakeholders</u>, communities and potential funding partners in sub-catchments in line with the priority areas listed in Table 3.11-2; and...”</i></p>		improvements. In doing so, KCE considers that representation from all relevant parties are required in order to agree balanced and practical solutions. For this reason, KCE supports the amendment suggested by Mercury to include ‘stakeholders’ as parties that should be engaged early regarding sub-catchment water quality management.	
73182	<b>Mercury NZ Limited</b>  Miles Rowe PO Box 445 HAMILTON 3240  <a href="mailto:Miles.rowe@mercury.co.nz">Miles.rowe@mercury.co.nz</a>	<p><b>Policy 10: Provide for Point Source Discharges of regional significance</b></p> <p>Submission Point PC1-9572</p> <p>The submitter requested the following relief:</p> <p>Retain Policy 10 in the same or similar form.</p> <p>Include a definition for regionally significant industry.</p> <p>Submission Point PC1-9687</p> <p>The submitter requested that a new definition of regionally significant industry be included in the Glossary of Terms to read:</p>	Support	<p>Given that the term ‘regionally significant industry’ is addressed in Policy 10, KCE considers that it is appropriate to include a definition for the same.</p> <p>KCE considers that the definition requested by Mercury NZ Limited is appropriate in that it is generally consistent with definition provided within the Operative Waikato Regional Policy Statement, while proposing to clarify those activities that the definition does and does not cover.</p>	<p>KCE seeks:</p> <p>That Submission Points PC1-9572 and PC1-9687 be accepted.</p>

		<p><i>"Regionally significant industry - For the purpose of Chapter 3.11, 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, including their associated point source discharges. These may include social, economic or cultural benefits. Regionally significant industry includes the following activities, but does not include primary production activities or Certified Sector Schemes:</i></p> <ul style="list-style-type: none"> <li><i>a. Dairy manufacturing sites</i></li> <li><i>b. Meat processing and rendering Plants</i></li> <li><i>c. Pulp and paper processing plants; and</i></li> <li><i>d. mineral extraction activities."</i></li> </ul>			
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