

To: Waikato Regional Council
Name of submitter: Oji Fibre Solutions (NZ) Limited ("OjiFS or the submitter")

To: The Chief Executive
Waikato Regional Council
healthyrivers@waikatoregion.govt.nz

Date: 17 September 2018
Name: Oji Fibre Solutions (NZ) Limited

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Further Submissions under Clause 8 of the First Schedule to the Resource Management Act 1991 ('RMA').

Introduction

This is a further submission in support of or in opposition to submissions on Proposed Change 1 to the Waikato Regional Plan ('PC1') and Variation 1 to PC1 under Clause 8 of the First Schedule to the Resource Management Act 1991 ('RMA').

Oji Fibre Solutions ('OjiFS') has an interest in PC1 and Variation 1 that is greater than the interest the general public has, as the operations of OjiFS Kinleith Mill which are in part dependent on fibre resources from the region, are potentially affected by PC1 and Variation 1. Refer to OjiFS's primary submissions on PC1 for further detail.

OjiFS does not gain an advantage in trade competition through these further submissions.

Specific Submission Points

OjiFS' specific further submission points are set out in the table below. For the avoidance of doubt OjiFS continues to seek the relief set out in its primary submissions although it recognises that in some cases the relief sought by other submitters may provide an alternative, or propose an addition, to PC1 that is generally consistent with OjiFS's primary relief.

To the extent that the following further submissions oppose the relief sought by another party, OjiFS considers that the relief sought is inappropriate, unreasonable, unnecessary or inconsistent with the provisions of the RMA. This relief is also generally inconsistent with the relief that OjiFS sought in its submissions on PC1.

To the extent that the following further submissions support the relief sought by another party, OjiFS considers that the relief sought is generally appropriate, reasonable and / or necessary including for the reasons set out in the submission, or that it is otherwise consistent with the provisions of the RMA and / or OjiFS own submissions.

The above reasons are deemed to be included as part of the "reason for support or opposition" for each further submission referred to in the following table.

Decisions sought

For all submissions, whether supported (in part), or opposed (in part), OjiFS seeks that the decisions sought by the submitters be allowed to the extent consistent with the relief sought by OjiFS in its primary submissions and that this relief is deemed to be incorporated into the table.

OjiFS wishes to be heard in support of these further submissions.

If others make a similar submission OjiFS would consider presenting a joint case with them at the hearing.

A handwritten signature in blue ink, appearing to read 'G K Chappell', with a period at the end.

G K Chappell
Counsel for Oji Fibre Solutions NZ Limited

Dated this 17th day of September 2018

| Submitter name | Submission Point ID | Plan Section | Support / Oppose | Reason for Support / Opposition | Relief Sought |
|---|---------------------|---|------------------|--|---|
| Background and Explanation | | | | | |
| Beef + Lamb New Zealand Limited ID: 73369 | PC1-11146 | Full achievement of the Vision and Strategy will be intergenerational | Support in part | To the extent consistent with the alternative plan proposed by OjiFS, the relief sought is appropriate for the reasons set out in the submission. | Allow the relief sought. |
| Brooks, Hayden Gregory and Susan Jennifer ID: 71174 | PC1-103 | Full achievement of the Vision and Strategy will be intergenerational | Support | Deletion of this section is appropriate as the provision provides an unnecessary and potentially inconsistent explanation of the provisions that follow. | Allow the relief sought. |
| Fonterra Co-operative Group Ltd ID: 74057 | PC1-11256 | Full achievement of the Vision and Strategy will be intergenerational | Oppose | The submitters proposed amendment to delete the words “and sub-catchment limits and targets” from the paragraph relating to municipal and industrial point source dischargers is inappropriate and unreasonable to the extent that it could be interpreted as requiring an unscheduled or early change in the term and or conditions of the Resource Consent providing for an existing activity. | Decline the relief sought. |
| 3.11.1 Values and uses for the Waikato and Waipa Rivers | | | | | |
| Hamilton City Council ID: 73369 | PC1-10152 | Use Values – Commercial, municipal and industrial use | Support | The amendments sought are consistent with the relief sought by OjiFS in its primary submissions and are supported for the reasons outlined in the Hamilton City Council submissions | Allow the relief sought to the extent not inconsistent with OjiFS’s primary |

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| | | | | | submissions. |
| Fonterra Co-operative Group Ltd ID: 74057 | PC1-11258 | 3.11.1 Values and uses for the Waikato and Waipa Rivers | Oppose | The relief sought is inappropriate. As the proposed wording change implies that the Plan would require different standards of environmental performance in the short and long term and between current and alternative uses of land, the change is inconsistent with the objective of progressive improvement in catchment water quality to the extent possible through the application of Best Practicable Option (BPO) management of the adverse effects of land use. It is also inconsistent with the provisions of the NPS and Vision and Strategy in view of the submitter's proposed definition of the freshwater objectives of the plan as being limited to the short term objectives as defined in Objective 3. | Decline the relief sought. |

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| Objectives | | | | | |
| Fonterra Co-operative Group Ltd ID: 74057 | PC1-10455 | Objective 1: | Oppose | The submitter proposes amendment of Objective 1 to include the words “...and where necessary restoration...”. An implication of the proposed change is that a variable obligation to ‘restore’ could be applied in addition to any improvement and restoration achieved through the adoption of the Best Practicable Option water quality management. The wording “where necessary” could be further interpreted as requiring different levels of obligation applying to different property owners / resource users to ‘restore’ water quality on some as yet to be developed basis. | Decline the relief sought. |
| Hamilton City Council ID: 74051 | PC1-10248 | Reasons for adopting Objective 3 | Support | The amendments sought are consistent with the relief sought by OjiFS in its primary submissions and are supported for the reasons outlined in the Hamilton City Council submissions. | Allow the relief sought to the extent not inconsistent with OjiFS’s primary submissions. |
| Policies | | | | | |
| Hamilton City Council ID: 74051 | PC1-10259 | 3.11.3 Policies | Oppose in part | The addition to policy 10A is opposed to the extent that it is not necessarily consistent with sustainable management to require point source discharges to achieve sub catchments limits and targets as conditions of consent as these may not be able to be achieved over the life of the consent. The relief | Disallow the relief sought to the extent identified in the reasons. |

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| | | | | sought is also inconsistent with the additional new policy 5a requested by the submitter which provides for an increased discharge of contaminants. To the extent that new policy 5a is considered appropriate it should also extend to regionally significant industry. | |
| The Royal Forest and Bird Protection Society of New Zealand Inc ID: 74122 | PC1-8252 | Policy 2 | Support in part | To the extent that the relief is broadly consistent with the alternative approach proposed by OjiFS, the relief is supported as it will appropriately provide for the sustainable management of freshwater. | Accept the relief sought . |
| Hamilton City Council ID: 74051 | PC1-10262 | Policy 6 | Support in part | If the land use change rule is not deleted as requested by OjiFS in its primary submissions the relief sought is supported subject to amendments to Policy 5a. | Allow the relief sought to the extent identified in the reasons. |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11347 | Policy 7 | Oppose in part | The amendments proposed <i>inter alia</i> seek to predetermine future allocation on a sub catchment basis. This is inappropriate in the context of the policy. | Decline the relief sought in part. |
| Department of Conservation ID: 71759 | PC1-10676 | Policy 10 | Oppose | The amendments sought are unnecessary and inappropriate and / or uncertain: the provisions of the operative Regional Plan address point source discharges. It is not clear how the relief sought would be implemented. | Decline the relief sought. |
| Genetic Technologies Ltd | PC1-3254 | Policy 10 | Oppose | The amendments sought are unnecessary and inappropriate and / or uncertain: the provisions of the | Decline the |

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| ID: 73953 | | | | operative Regional Plan address point source discharges. Diffuse discharges are subject to Policies 11 and 12 that require the adoption of the BPO and consideration of the PC1 targets. | relief sought. |
| Oil Companies ID: 73716 | PC1-2593 | Policy 10 | Support | The amendments proposed are potentially an alternative and appropriate method for the reasons outlined in the submission. | Allow the relief sought. |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11350 | Policy 10 | Support | The amendments proposed are potentially an alternative and appropriate method for the reasons outlined in the submission. | Allow the relief sought. |
| Contact Energy Limited ID: 73714 | PC1-7380 | Policy 11 | Support | The submission is generally supported for the reasons outlined therein to the extent that it is consistent with OjiFS's submissions. | Allow the relief sought. |
| Oil Companies ID: 73716 | PC1-2594 | Policy 11 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11351 | Policy 11 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |
| Oil Companies ID: 73716 | PC1-2596 | Policy 12 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |

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| The Royal Forest and Bird Protection Society of New Zealand Incorporated ID: 74122 | PC1-8304 | Policy 12 | Oppose | The relief sought is inappropriate and unreasonable unless the intention is to remove policies relating to the management of all point source discharges from PC1. It is appropriate to provide for the economic and social wellbeing of people and communities. | Reject the relief sought. |
| Waikato River Authority ID: 74033 | PC1-11562 | Policy 12 | Oppose | The submission is opposed as it is unnecessary, unreasonable and inconsistent with the purpose of the RMA. | Reject the relief sought. |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11352 | Policy 12 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |
| Watercare Services Ltd ID: 74077 | PC1-8151 | Policy 12 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |
| Fulton Hogan Limited ID: 74048 | PC1-10818 | Policy 13 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |
| Oil Companies ID: 73716 | PC1-2595 | Policy 13 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11354 | Policy 14 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |

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| Implementation Methods | | | | | |
| New Zealand Forest Owners Association Inc ID: 73524 | PC1-9953 | 3.11.4 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11360 | 3.11.4.4 | Support | The submission is generally supported for the reasons outlined therein, to the extent that it is broadly consistent with OjiFS's submissions. | Allow the relief sought. |
| Rules | | | | | |
| The Royal Forest and Bird Protection Society of New Zealand Inc ID: 74122 | PC1-8414 | 3.11.4.12 | Support | The inclusion of new schedules that outline good and best management practice and incorporation of these into the rules is supported as it represents the most effective and efficient means of achieving the objectives of the plan. This approach is generally consistent with OjiFS's primary submissions. | Accept the relief sought. |
| The Royal Forest and Bird Protection Society of New Zealand Inc ID: 74122 | PC1-8194 | 3.11.5 | Support | To the extent that they are broadly consistent with OjiFS's submissions, the amendments sought are appropriate for the reasons outlined in the submission. | Accept the relief sought. |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11382 PC1-11374 PC1-11377 | 3.11.5 3.11.5.4 3.11.5.5 | Oppose | The submission is opposed to the extent that: (a) it is not apparent how the objectives of PC1 will be achieved through the ADM / sub-catchment approach; (b) on what basis BPO will be applied, regulated or | Decline the relief sought. |

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| | PC1-11378 PC1-11379 | 3.11.5.6 3.11.5.7 | | enforceable; and (c) the overall approach is inconsistent with OjiFS's submissions. | |
| Fonterra Co-operative Group Ltd ID: 74057 | PC1-10496 PC1-10500 PC1-10505 PC1-10506 PC1-10513 PC1-10517 PC1-10580 | 3.11.5.3 3.11.5.4 3.11.5.5 3.11.5.6 3.11.5.7 Schedule B Definition - Nitrogen Reference Point | Oppose | Regulation targeted at maintaining a pre-determined nitrogen reference point is inconsistent with BPO management of diffuse source discharges and the obligation to avoid, remedy or mitigate adverse effects. It implies uncertain and potentially unreasonable differences in the obligations inherent in farm environment planning. | Decline the relief sought. |
| Definitions | | | | | |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11400 | New Definition of Adaptive Management | Oppose | The submission is opposed to the extent that: (a) it is not apparent how the objectives of PC1 will be achieved through the ADM / sub-catchment approach; (b) on what basis BPO will be applied, regulated or enforceable; and (c) the overall approach is inconsistent with OjiFS's submissions. | Decline the relief sought. |

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| Waikato Regional Council ID 72890 | PC1-3665 | Definition - Best management practice | Oppose | The submission is opposed to the extent that it is uncertain what is proposed by the changes and whether those will equate to BPO, GMP or something less. | Decline the relief sought. |
| The Royal Forest and Bird Protection Society of New Zealand Inc ID: 74122 | PC1-8694 PC1-8696 PC1-8697 PC1-8698 PC1-8698 PC1-8699 PC1-8700 PC1-8701 PC1-8703 PC1-8704 PC1-8706 PC1-8708 PC1-8709 PC1-8719 | Definitions: Diffuse discharge, drain, drystock farming Edge of field mitigation Enterprise Escheria Coli (E. coli) Farm Environment Plan Farming Activities Five year rolling average Forage Crop Livestock crossing | Support | To the extent that they are broadly consistent with OjiFS's submissions, the retention or deletion of the definitions is appropriate for the reasons outlined in the submission. To the extent that they are broadly consistent with OjiFS's submissions, the amendments to the definitions are appropriate for the reasons outlined in the submission. | Accept the relief sought. |

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| | PC1-8722 | Mahinga kai Microbial Pathogen Offset Point Source Discharge | | | |
| Schedules / Tables | | | | | |
| Perrin Ag Consultants Ltd ID: 73859 | PC1-3379 | Schedule B | Oppose | The proposal to amend Schedule B to facilitate trading and transfer of nitrogen is opposed on the grounds that it is premature to allocate Nitrogen under PC1, and for the reasons contained in OjiFS's submissions | Decline the relief sought. |
| Fonterra Co-operative Group Ltd ID: 74057 | PC1-10559 | Schedule 1 | Oppose | Regulation targeted at maintaining a pre-determined nitrogen reference point is inconsistent with BPO management of diffuse source discharges and the obligation to avoid, remedy or mitigate adverse effects. It implies uncertain and potentially unreasonable differences in the obligations inherent in farm environment planning. The proposed change related to waste water irrigation from a consented industrial discharge being deemed a Farm Environment Plan is inappropriate. It potentially circumscribes the determination of appropriate conditions at the time a consent is granted. | Decline the relief sought. |

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| Department of Conservation ID: 71759 | PC1-11067 | Table 3.11-2: List of sub-catchments showing Priority 1, Priority 2, and Priority 3 sub-catchments | Oppose | If a priority subcatchment approach is retained, the inclusion of all wetland and lake sub-catchments as Priority 1 is unnecessary as it is not evident that the relief sought is based on any analysis of current quality justifying greater priority. In any event it is a question of workability when assessing priority. This issue would be overcome through application of the BPO across the board as an interim approach to attaining the water quality objectives. | Decline the relief sought. |
| General | | | | | |
| Wairakei Pastoral Ltd ID: 74095 | PC1-11406 PC1-13165 PC1-13166 PC1-13167 | General / all | Oppose | The submission is opposed to the extent that: (a) it is not apparent how the objectives of PC1 will be achieved through the ADM / sub-catchment approach; (b) on what basis BPO will be applied, regulated or enforceable; and (c) the overall approach is inconsistent with OjiFS's submissions. | Decline the relief sought. |
| The Royal Forest and Bird Protection Society of New Zealand Inc ID: 74122 | PC1-8188 | General | Support in part | Items 3 to 7 are supported to the extent that the relief sought will most appropriately provide for the sustainable management of freshwater, to the extent that the relief is broadly consistent with the alternative approach proposed by OjiFS | Accept the relief sought as identified. |
| Horticulture New Zealand | PC1-9899 | General | Support | To the extent consistent with OjiFS's primary submission, the relief sought is generally supported for | Allow the relief |

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| ID: 73801 | | | | the reasons outlined in Horticulture New Zealand's submission. | sought. |
| Fonterra Co-operative Group Ltd ID: 74057 | PC1-11255 | Water quality and National Policy Statement for Freshwater Management | Oppose | The relief sought is inappropriate. As the proposed wording change implies that the Plan would require different standards of environmental performance in the short and long term and between current and alternative uses of land, the change is inconsistent with the objective of progressive improvement in catchment water quality to the extent possible through the application of Best Practicable Option (BPO) management of the adverse effects of land use. It is also inconsistent with the provisions of the NPS and Vision and Strategy in view of the submitter's proposed definition of the freshwater objectives of the plan as being limited to the short term objectives as defined in Objective 3. | Decline the relief sought. |
| Beef + Lamb New Zealand Limited ID: 73369 | All of submissions | All of plan | Support | To the extent that the submissions by the submitter represent a viable alternative approach to that proposed by OjiFS, they are supported for the reasons outlined in the submission of OjiFS and the submitter. | Allow the relief sought. |