

Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

Submission form on publicly notified – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

SubForm	PC12016	COVER SHEET	
FOR OFFICE USE ONLY			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE	
Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
Emailed to	healthyrivers@waikatoregion.govt.nz <i>Please Note: Submissions received by email must contain full contact details. We also request you send us a signed original by post or courier.</i>
Online at	www.waikatoregion.govt.nz/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS		
Full name: New Zealand Steel Ltd		
Full address : Mission Bush Road, Glenbrook, Private Bag 92121, Auckland 1142. Attn: Claire Jewell		
Email Claire.Jewell@bluescopesteel.com	Phone +64 9 375 8105	Fax

ADDRESS FOR SERVICE OF SUBMITTER		
Full name: NZ Steel Ltd		
Address for service of person making submission: Mission Bush Road, Glenbrook, Private Bag 92121, Auckland 1142. Attn: Margaret Gracie		
Margaret.Gracie@bluescopesteel.com	Phone +64 9 375 8105	Fax

TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>
<input type="checkbox"/> I could / <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.
<input type="checkbox"/> I am / <input type="checkbox"/> am not directly affected by an effect of the subject matter of the submission that: (a) adversely effects the environment, and (b) does not relate to the trade competition or the effects of trade competition. Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO

*Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1
(continue on separate sheet(s) if necessary.)*

See attached detailed submission

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

(select as appropriate and continue on separate sheet(s) if necessary.)

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

See attached detailed submission

MY SUBMISSION IS THAT

*Tell us the reasons why you support or oppose or wish to have the specific provisions amended.
(Please continue on separate sheet(s) if necessary.)*

See attached detailed submission

I SEEK THE FOLLOWING DECISION BY COUNCIL

(select as appropriate and continue on separate sheet(s) if necessary.)

- Accept the above provision
- Accept the above provision with amendments as outlined below
- Decline the above provision
- If not declined, then amend the above provision as outlined below

Amend as follows:

See attached detailed submission

PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

I wish to speak at the hearing in support of my submissions.

I do not wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

If others make a similar submission, please tick this box if you will 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 extra sheets.

No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

(or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature



Date 08/03/2017

Personal information is used for the administration of the submission 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.

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.



March 8, 2017

New Zealand Steel Limited
Mission Bush Road, Glenbrook
Private Bag 92121, Auckland 1142
P +64 9 3758 851 | M +64 21 845760
E Margaret.gracie@bluescopesteel.com

Submission on Proposed Waikato Regional Plan Change 1: Waikato and Waipa River Catchments

Clause 6 of First Schedule, Resource Management Act 1991

To: Waikato Regional Council
Address: 401 Grey Street,
Private Bag 3038,
Waikato Mail Centre
Hamilton 3240
Attention: Chief Executive

Email: healthyrivers@waikatoregion.govt.nz

Submitter: New Zealand Steel Ltd
Mission Bush Road
Glenbrook
Private Bag 92121
Auckland 1142

Contact Person: Margaret Gracie

A detailed submission is attached indicating provisions of Proposed Plan Change 1 that New Zealand Steel Ltd supports, opposes or supports or opposes in part, with the reasons and the relief sought.

NZ Steel Ltd **could not** gain an advantage in trade competition through this submission.

NZ Steel Ltd **wishes to be heard** in support of this submission.

If others make a similar submission, **we will consider** presenting a joint case with them at the hearing.

Submission on Proposed Waikato Regional Plan Change 1: Waikato and Waipa River Catchments

New Zealand Steel Ltd

Preliminary Comments:

NZ Steel's products make a significant contribution towards the health, safety and environment of New Zealand's communities, infrastructure as well as industrial and commercial activities. NZ Steel's building products currently include well established New Zealand brands; ZINCALUME® (a zinc alloy coated product), COLORSTEEL® (pre-painted product on a ZINCALUME® substrate) and GALVSTEEL® (galvanised steel). In addition, a wide range of products are produced by NZ Steel, such as pipe, light plate and structural beams, for downstream manufacturing into a range of industrial and agricultural products.

More than 1,250 people are employed at NZ Steel, Waikato North Head and Taharoa, and there are up to 500 contractors from time to time. In addition to this, SteelServ (an Associate Company) operating from the Glenbrook site employs 113 people. The Glenbrook Steel Mill is understood to be the single largest employment site in New Zealand. The multiplier effect is estimated at between 5-7 jobs created in the broader community for each job at NZ Steel. NZ Steel produces around 600,000 tonnes of manufactured steel product each year, with around 60 percent of that exported. NZ Steel contributes significantly to the nation's export earnings and economic wellbeing, and through both its direct and indirect contributions to the economy, NZ Steel contributes to around 1% of New Zealand's Gross Domestic Product.

NZ Steel is strongly committed to the future economic success of New Zealand, the sustainable development of the steel manufacturing industry, regulatory compliance and the protection and enhancement of the environment. As a significant user and developer of natural and physical resources, the Resource Management Act 1991 (RMA) and related regulations represents a statutory regime that plays a significant role in NZ Steel's business. Due to NZ Steel's use of water from the Waikato River and activities occurring within its catchment, NZ Steel has an interest in the management of this water resource.

NZ Steel provides the following submission on the Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments

	Provision	Support / Oppose	Reasons	Decision sought
1.	<p>Section 3.11.1.2 Use Values</p> <p>Primary production – the rivers support a wide variety of primary production in the catchment including forestry, and these industries contribute significantly to the regional and national GDP, exports and employment;</p> <p>Commercial/industrial use - the rivers provide economic opportunities to people, businesses and industries.</p>	Support	These Use Values recognise the importance of industry and commerce in the River catchments to the economy of the Waikato region and to the economic, social and financial wellbeing of people and communities of the Waikato.	Retain as currently drafted or words to similar effect.
2.	Objectives 1 and 3 – Long and short-term improvements in water quality	Support in part	NZ Steel supports the objective of improving water quality in the Waikato and Waipa river catchments. However as these are aspirational water quality targets, and the Proposed Plan Change is aimed largely at the agricultural sector, it is unclear how the targets will be used to manage the effects of point source discharges from the non-agricultural sector.	Ensure clarity in the application of water quality target provisions e.g. note they are specifically targeted at farming activities.
3.	Objective 4: People and community resilience	Support	A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term, with further contaminant reductions required in future regional plans. The Objective recognises that values and uses (including industrial use) will be considered when taking action to achieve the targets. A staged approach gives time for industry to work towards meeting targets and achieving objectives where required.	Retain
4.	3.11.3 Policy 1: Managing diffuse discharges of nitrogen, phosphorous, sediment and microbial pathogens – a)	Support in part	This policy recognises that activities with low levels of contaminant discharge should be enabled provided these	Retain

	Provision	Support / Oppose	Reasons	Decision sought
	enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase.		discharges do not increase. This is an effects-based policy, aiming the Proposed Plan Change provisions at those activities with the highest level of contaminant discharges and where the greatest differences can be made. As worded the policy is unclear amend wording to make clear it is the overall effect of the discharge is not increasing.	
5.	3.11.3 Policy 4: Enabling activities with lower diffuse discharges to continue or be established while signalling further change may be required in future.	Support	As for Policy 1 (a), this policy recognises that activities with lower diffuse discharges have lesser adverse environmental effects and therefore should be permitted to continue.	Retain
6.	3.11.3 Policy 5: Staged approach. Recognise that achieving the water quality attribute targets set out in Table 11-1 will need to be staged over 80 years.	Support	This policy recognises that the water quality attribute targets in Table 3.11.1 are aspirational and would result in significant economic disruption to the region and industries within the region if the targets were applied from the date of notification of the Proposed Plan Change 1. Industry will need time to develop practices and methods to work towards these targets being met.	Retain
7.	3.11.3 Policy 8: Prioritised implementation. Prioritise the management of land and water resources according to priority areas.	Support	Actions stemming from the Proposed Plan Change 1 should be prioritised to address those areas identified as being highest priority. <i>Priority 1, 2 & 3 areas in Table 11.2 include the Port Waikato sub-catchment as a Priority 2. The Plan Change identifies that sub-catchment planning, coordination and funding will be allocated according to this prioritisation. This will enable better understanding of what is occurring in the catchment.</i>	Retain
8.	3.11.3 Policy 9: Take prioritised	Support	This is an effects-based policy	Retain

	Provision	Support / Oppose	Reasons	Decision sought
	and integrated approach to sub-catchment water quality planning, coordination and funding, including encouraging cost-effective mitigations where they have biggest effect on improving water quality		focussing on measures that have the most significant effect on water quality. It also recognises the need for mitigation measures to be cost-effective which is a significant issue for industry.	
9.	3.11.3 Policy 10: Provide for point source discharges of regional significance. When deciding resource consent applications for point source discharges to water or onto or into land, provide for the continued operation of regionally significant infrastructure and regionally significant industry.	Support	This policy gives effect to Use Values at 3.11.1.2 and Objective 4 by recognising the importance of regionally significant industry to the economy and well-being of the Waikato region. NZ Steel Ltd's sites at Glenbrook and Waikato North Head (WNHM) are nationally and regionally significant infrastructure and industry. While the Glenbrook site is the single largest employment site in New Zealand, providing a range of products for use in New Zealand and export, the WNHM site (in the Waikato region) is a key contributor to NZ Steel's business and employs around 100 people on site including permanent contractors. The importance of industry to the region's and nation's economy should be taken into account in decision-making.	Retain
10.	Additions to Glossary	Oppose in part	There is no definition of regionally significant industry in the additions to the Plan Change Glossary. NZ Steel recommends the amendment of Proposed Plan Change 1 to include a specific definition of regionally significant industry.	Amend the Glossary in Plan Change 1 to include the following definition: <u>Regionally significant industry - means industry based on the use of natural and physical resources in the</u>

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				<p><u>region which have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits. Regionally significant industry includes:</u></p> <p><u>a) Dairy manufacturing sites;</u></p> <p><u>b) Meat processing plants;</u></p> <p><u>c) Pulp and paper processing plants; and</u></p> <p><u>d) Mineral extraction activities.</u></p> <p><u>e) Product Manufacturing</u></p>
11.	<p>3.11.3 Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges, 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</p>	Support/Oppose in part	<p>NZ Steel supports the provisions in PC1 providing for the continued operation of regionally significant infrastructure and regional significant industry on terms and conditions specified in Resource Consent, applicable Permitted Activity provisions in the Regional Plan or applicable national prescription. We therefore support the Plan's recognition that Resource Consent conditions or other provisions providing for point source discharges should reflect the</p>	<p>Amend Policy 11 to avoid any interpretation that the obligation to avoid remedy or mitigate the adverse effects of a point source discharge is greater than or extends beyond application of the BPO as determined at the time an</p>

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	<p>practicable to avoid or mitigate all adverse effects, an offset measure may be proposed in an alternative location or locations to the point source discharge</p>		<p>Best Practicable Option (BPO) as determined at the time approval is granted. However NZ Steel opposes that part of Policy 11 providing for "an offset measure" 'where it is not practicable to avoid or mitigate <u>all</u> (<i>emphasis added</i>) adverse effects' if the intention is that offsets be provided <u>in addition</u> to achieving the BPO. As proposed, the capacity for 'offsetting' in Policy 11 amounts to environmental 'betterment' and as such is contradictory to the practicable balancing of social, economic and environmental outcomes. If the intention is that point source dischargers are required to apply BPO and offset all additional adverse effects then the provision for offsetting is uncertain and likely unreasonable. We note that a reasonable interpretation of "BPO" encompasses the concept inherent in the "offset" provisions, increasing the potential that retention of an express provision for "offsets" is interpreted as an additional obligation over and above BPO.</p> <p>We understand that the basis for Proposed Plan Change 1 was the deliberations of and wording from Waikato Regional Council's "Community Stakeholder Group" and that the provisions related to point source discharges were derived after detailed discussion with representatives of regionally significant industry. We further understand that the provisions</p>	<p>approval is obtained. For example amend the second sentence of Policy 11 as follows: "Where it is not practicable to avoid or mitigate all adverse effects, an offset measure may be proposed <u>BPO in the context of point source discharges will be interpreted to include the ability to propose an offset measure in an alternative location or locations to the point source discharge for the purpose of ...</u>".</p>

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			related to 'offsets' in Policy 11 differ in some significant respects from the recommendations made by the CSG to the WRC. In the alternative, if the intention is that the total obligation on point source dischargers is achievement of the BPO with the option of offsetting as an alternative to one or more conditions of the BPO then we support it provided some amendment is made to the wording of the Plan to make that interpretation clear.	
12.	3.11.3 Policy 12: Additional considerations for point source discharges in relation to water quality targets.	Support in part	NZ Steel supports this policy as it recognises industry efforts to upgrade and improve discharges over time, and that a single point source discharge may have very little relative contribution to catchment water quality. However this policy should tie these additional considerations specifically to the resource consent decision-making process.	Amend Policy 12 as follows: <u>When determining a resource consent application for a point source discharge for nitrogen, phosphorous, sediment and microbial pathogens, consider the contribution made by the point source discharge</u>
13.	3.11.3 Policy 13: Point sources consent duration.	Support	This policy enables more certainty of investment for industry. The Resource Management Act actually provides for a consent duration of up to 35 years, therefore it is appropriate that this is provided for in the Proposed Plan Change.	Retain
14.	3.11.3 Policy 17: Considering the wider context of the Vision and Strategy.	Support in part	Policy 17 is not restricted to management of the four contaminants which are the focus of the plan change. Adding in reference to these contaminants will provide consistency of	Amend Policy 17 to restrict its application to the four contaminants as follows:

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			<p>approach and clarity of plan implementation.</p> <p>Policy 17 also has the potential to allow the council to unreasonably apply conditions unrelated to direct effects from consented activities.</p>	<p><i>When applying polices and methods in Chapter 3.11 to discharges of <u>nitrogen</u>, <u>phosphorous</u>, <u>sediment and microbial pathogens</u>, seek opportunities.....</i></p> <p>Also, amend Policy 17 to give greater clarification around the extent of limitations to the advancement opportunities. These should be related to adverse effects from consented activities and be within same sub-catchment or FMU.</p>
15.	Implementation methods 3.11.4.1 Working with others	Support	It will be critical that the Regional Council works with stakeholders in the implementation of Proposed Plan Change 1. NZ Steel would be interested in being part of any working group or consultative group set up, particularly regarding the Port Waikato sub-catchment and development of a Port Waikato sub-catchment management plan.	Retain
16.	Method 3.11.4.5 Sub-catchment scale planning	Support	NZ Steel supports the development of a Lower Waikato Sub-Catchment Plan and agrees that stakeholders, including industry, should be involved. NZ Steel would be interested in being part of any working group or consultative group set up for Port Waikato sub-catchment	Retain

	Provision	Support / Oppose	Reasons	Decision sought
			planning.	
17.	Method 3.11.4.7 Gathering information and commission research to inform future diffuse discharges management framework	Support	This method acknowledges that at present there is difficulty linking water quality attribute measurements at Table 3.11-1 with the effects of individual discharges. NZ Steel supports the need for more research and information to enable better understanding of other discharges to the Lower Waikato sub-catchment and how each discharge and/or property contributes to the Port Waikato's overall water quality.	Retain
18.	Method 3.11.4.8 Reviewing Chapter 3.11 and developing an allocation framework for the next Regional Plan.	Support	As for Method 3.11.4.7, NZ Steel supports monitoring and information gathering to gain a better understanding of the effects of different types of discharges and discharges at a property level in the Port Waikato sub-catchment.	Retain

NZ Steel does not consider it can gain an advantage in trade competition through this submission.


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(Signature of person authorised to sign on behalf of NZ Steel)


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Date

Title and address for service of person making submission:

New Zealand Steel Limited

Attention: Margaret Gracie – VP People and External Affairs

Address: 131 Mission Bush Road

Glenbrook

Private Bag 92121

AUCKLAND 1142