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Oji Fibre Solutions and Norske Skog Tasman

SUBMISSION ON REGION-WIDE WATER QUANTITY - PROPOSED PLAN CHANGE 9 TO THE BAY OF PLENTY REGIONAL WATER AND LAND PLAN

9 December 2016

To:	The Chief Executive
	Bay of Plenty Regional Council
	By email to waterquantity@boprc.govt.nz
Date:	9 December 2016
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1. INTRODUCTION

Oji Fibre Solutions Limited ("Oji FS") and Norske Skog Tasman ("NST") welcomes the opportunity to submit on Proposed Plan Change 9 to the Bay of Plenty Regional Water and Land Plan ("Plan Change 9").

Oji FS and NST own and operate the Tasman Mill facilities in Kawerau, and it is in respect of how PC9 provides for those facilities that the companies are affected by Plan Change 9.

In addition to this introduction, this submission contains the following four sections:

Section 2: Provides background to Oji FS and NST interest in Plan Change 9.

Section 3: Provides detail on the statutory requirement to provide for the Tasman Mill in Plan Change 9.

Section 4: Outlines the Oji FS and NST position on the appropriateness of the provisions contained in Plan Change 9.

Section 5: Contains the Oji FS and NST specific submission points on Plan Change 9.

Oji FS and NST wish to be heard in support of this submission.

Oji FS and NST do not gain an advantage in trade competition through this submission

2. BACKGROUND TO OJI FIBRE SOLUTIONS AND NORSKE SKOG TASMAN INTEREST IN PLAN CHANGE 9

Oji FS and NST operate Kraft pulp and newsprint manufacturing plants at the Tasman Mill site in Kawerau. The operation of the Tasman Mill is completely reliant on the ability to abstract water from and discharge wastewater to the Tarawera River. Plan Change 9 changes the regional plan framework relevant to both these activities. The latter on the basis that Plan Change 9 sets out the overarching framework for establishing the Freshwater Objectives and associated water quality limits for the Tarawera River.

2.1 THE TASMAN MILL

The Tasman Mill operations are a critical part of the Bay of Plenty and broader North Island timber products supply chain. The mill produces pulp and paper from pulp logs and other low grade logs, sawmill chips and some other residues which would otherwise be waste products. In this way, pulp and paper manufacture forms an important component in the forestry supply chain whereby lower value materials not readily used by any other process can be beneficially used. This reduces waste and keeps the industry working effectively and sustainably, while at the same time adding value to the overall forest industry and providing employment in the region.

The Tasman Mill was established for this purpose in the early 1950s to make use of the forest resource which had been planted across the central North Island. The Tasman Mill was established under its own Act, The Tasman Pulp and Paper Company Enabling Act 1954.

The Tasman Mill was specifically located at Kawerau due to its close proximity to the Kaingaroa forest, the railroad, the export port facility at Tauranga and to significant water and geothermal resources. This enables an economically viable mill operation. This combination of factors is not readily available elsewhere.

The significant investment in mill infrastructure essentially captured for New Zealand the added value of domestic processing of logs. The Tasman Mill site complex today includes a range of wood processing operations, including the Oji FS pulpmill activities and the NST newsprint paper mill activities. Water and wastewater related infrastructure at the Tasman Mill site is managed by Water and Waste Services, an unincorporated joint venture between Oji FS and NST.

The Tasman Mill has undergone many changes since it was first established, with several upgrades and modernisation projects being implemented over the last 50+ years.

The social and economic benefits of the Tasman Mill to the local community, region and New Zealand were drawn into focus during the recent Environment Court hearing for the Tasman Mill resource consent applications where the Court concluded there to be "*little dispute about the considerable positive economic and social benefits of the Tasman Mill*".

2.2 IMPORTANCE OF PLAN CHANGE 9 TO THE TASMAN MILL

2.2.1 Tasman Mill Use of the Tarawera River

How the PC9 planning framework will impact on management of the Tarawera River is of primary importance to Oji FS and NST because the Tasman Mill is entirely reliant on the Tarawera River, both for a secure supply of water for its operations, and as a discharge medium.

The pulp and paper industry is capital intensive and requires long term investment decisions. To enable the continued and effective operation of the Tasman Mill, security of tenure in access to natural and physical resources is critical. This was provided by the recently granted new resource consents for the key air, water and waste management activities at the Tasman Mill which do not expire until 2035. However, those consents contain extensive review conditions that can be triggered by changes to the regional planning framework, including any new flow and allocation regime, or water quality limits introduced for the Tarawera River catchment.

Both the flow and allocation regime, and discharge regime which apply to the Tasman Mill activities are site specific sustainable solutions that accommodate the specific circumstances associated with the interaction between the Tasman Mill and the Tarawera River[1]. It is therefore of particular interest to Oji FS and NST that the PC9 framework allows those site-specific circumstances to be considered when the freshwater objectives and limits are set for the Tarawera Catchment.

2.2.2 Effects of Other Users on Tasman Mill's Ability to Exercise its Consents

The manner in which PC9 manages other resource users could also affect the operation of the Tasman Mill. For example, allocating additional water to other uses or purposes could reduce the reliability of the water resource available to the Tasman Mill.

Inefficient allocation and use of water could also unnecessarily limit the ability to access additional water at Tasman Mill for new, high value, efficient projects.

2.2.3 Provision for Forestry in the Region

The operation of the Tasman Mill is reliant on a continuous supply of logs from local forestry operations. The regional planning framework could encourage or discourage forestry in Bay of Plenty under the guise of managing freshwater, noting that it is generally accepted:

- Forestry is beneficial insofar as it is a landuse which causes comparatively low rates of sedimentation and nutrient discharge into waterways; and
- While it is a relatively low user of water, trees capture and store rainwater, which can affect flows in water bodies, depending on the alternative land use[2].

It is therefore important that any landuse decisions be made considering both the water quantity and quality issues facing a catchment.

3. STATUTORY REQUIREMENT TO PROVIDE FOR THE TASMAN MILL IN THE REGIONAL PLAN

Expressed in the simplest of terms, the Proposed RPS must promote the sustainable management of natural and physical resources as defined in section 5 of the RMA.

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[1] The abstraction consent includes a "site specific" sustainable flow and allocation regime which does not accord with the default flow regime limits set out in WQ P4 of PC 9 for waterbodies in the region (which requires that 90% of the Q5 7-day low flow remain in stream and 10% is available for allocation). Rather it allows approximately 23% of Q5 to be abstracted, with only 77% remaining instream.

The management regime for the discharge of wastewater from the Tasman Mill, and in particular the colour contained in that wastewater, is also notable as being a site-specific solution to accommodate the values which apply in this location. The existing consents authorising this activity were granted by the Environment Court in 2010 (following a High Court appeal on points of law) on the basis the discharge of colour from the Tasman Mill is an exceptional circumstance in the context of section 107 of the RMA. However, the comprehensive set of conditions that apply to the activity require an ongoing performance improvement in colour of the treated discharge.

[2] For example, rain capture from exotic production forestry probably has negligible effects in comparison to natural forest cover, but might reduce surface water flows and/or control flooding in comparison to pasture.

In relation to the significance of the Tasman Mill, the Environment Court said:[3]

> *Whilst the Tasman Mill may not be classified as being as significant as the production of electricity or the disposal of human waste as in Rotokawa and Paokahu, it is nevertheless a nationally and regionally significant physical resource that contributes significant positive social and economic effects*

As a physical resource of particular regional and national significance it is important that the provisions of the Bay of Plenty Land and Water Plan appropriately recognise, and provide for, the sustainable management of the Tasman Mill.

4. THE OJI FIBRE SOLUTIONS POSITION ON THE PROPOSED PLAN CHANGE

4.1 OVERVIEW

Oji FS and NST have made a number of submissions on PC9. The specific submission points are set out in Section 5. Those submissions mainly address the following four key themes:

- Providing for site specific circumstances and out of stream uses.
- Protection of existing users.
- Managing landuse, water quantity and water quality in an integrated manner.

Each is discussed further below.

4.2 PROVIDING FOR SITE SPECIFIC CIRCUMSTANCES

As set out in Section 2.3 of this submission a site-specific flow and allocation regime, and catchment specific water quality standards have been incorporated into the Tasman Mill's resource consents and into the Tarawera River Plan.

Oji FS and NST acknowledge that the new management framework for water quantity and water quality in the Tarawera River will need to give effect to the National Policy Statement on Freshwater Management 2014 ("**Freshwater NPS**") and Bay of Plenty Regional Policy Statement ("**RPS**"). However, it submits that Plan Change 9 should allow the detail on how that is to be done to be determined at the sub catchment scale, particularly where there are competing environmental, cultural and human use values at play.

It is important that the Plan Change 9 framework allows for the limited spatial extent of the Tasman Mill abstraction to be considered when setting minimum flows and allocation limits for the Tarawera River, and this may lend itself to separate freshwater management units for the stretches of Tarawera River upstream and downstream of its wastewater discharge point. Of note in that regard, while the Tasman Mill abstracts up to 190,000 m^3 per day from the Tarawera River,[4] following treatment and the addition of stormwater from the site, that water is discharged back to the Tarawera River as "wastewater" several km downstream at a rate of up to 220,000 m^3 per day. The Tasman Mill take does not qualify

[3] *Marr v Bay of Plenty Regional Council* (2010) 16 ELRNZ 197; 34 TCL 89, 29 September 2010, Paragraph 128.

[4] Via two resource consents, RC65720 which authorises the take of up to 170,000 m^3 for process use, and RC 65722 which authorises the take of 20,000 m^3 for foam control in the wastewater treatment ponds.

as *non-consumptive* for the purposes of the Land and Water Plan[5] on the basis that it is returned to the river downstream of the take, and is not of the same quality as when abstracted. However, once returned to, and mixed with the Tarawera River that water is suitable for reallocation to other instream and out of stream uses.

4.3 PROTECTION OF EXISTING USERS

As outlined in Section 2 of this submission the continued operation of Tasman Mill is completely reliant on continued access to water from the Tarawera River, and as a discharge medium. For this reason, Oji FS and NST support the inclusion of provisions which address the protection of existing users. However, there is some inconsistency in the way this policy direction is included in PC9 and we have made a number of submissions to address that.

4.4 LAND USE, WATER QUANTITY AND WATER QUALITY RELATIONSHIPS

It is accepted that Chapter 3 of the Land and Water Plan addresses the integrated management of land and water. However, it is important that the provisions in PC9 that do address integrated management in a water quantity context, do so with reference to both landuse and water quality. As drafted some provisions in PC9 suggest land use in a catchment be managed and potentially restricted due to the water resource limitations present. This direction is accepted, but it should be considered alongside water quality issues.

[5] Which it defines as follows:
Non-consumptive use of water *– For the purposes of this regional plan, the term 'non-consumptive use of water' refers to activities where:*
(a) Water is used (including damming and diversion) within the bed of the stream, river or lake; or within an aquifer. And
(b) Where water is abstracted from the water body, it is returned to the water body in the same or similar quantity and quality as it is abstracted, and at the same general location.

5. SPECIFIC SUBMISSION POINTS

Provision	Support / Oppose	Reason for Submission	Relief Sought
Introduction			
Para 1	Oppose in part	The introduction should also acknowledge that the relevant objectives, policies and methods of other plan chapters, particularly Chapter 3 (Integrated Management) will guide the development of the sub regional plans.	Amend para 1 as follows: ...Part II WQ, along with the relevant objectives, policies and methods from other chapters and section of the regional plan (e.g. chapter 3), will also guide the development of these sub-regional plans...
Issues			
WQI2	Oppose in part	The issue should recognise that an important consideration when considering the intensification of landuse in a catchment are the cumulative adverse effects on the water resource.	Amend WQI2 as follows: **WQ I2 Increasing demand for water in the Bay of Plenty is placing pressure on streams, rivers, springs and groundwater.** Increasing water demand in the Bay of Plenty is evident due to increasing amounts of water being abstracted for irrigation, domestic water supply (e.g. life-style blocks), and municipal water supply as a result of population growth. Increased water abstraction may not be appropriate where it may cause significant or cumulative adverse effects on the environment and the resulting ~~The lack of~~ availability of water resources may limit land use intensification or urban growth in some areas of the region.
WQI8	Oppose in part	The focus of the issue, which is the only issue that addresses the contribution of water to people's social and economic wellbeing, is on the ability to provide for new	Amend WQI8 as follows: **WQ I8** The social and economic wellbeing of people and communities is dependent on a reliable and secure supply of

Provision	Support / Oppose	Reason for Submission	Relief Sought
		uses of water. It should equally recognise the important contribution of existing users in this context. Rewording is suggested which does this.	water being available. ~~ability to provide for the growing social and economic needs of people is dependent on water being available~~
Objectives			
Objective WQ03	Oppose in part	As per the direction in the Freshwater NPS, water quality should be maintained in the context of the freshwater objectives and water quality limits that are set for each Freshwater Management Unit, not the values it is attributed. There will often be conflicting values present and the freshwater objectives and water quality limits will provide direction on how those conflicting values are to be addressed. Oji FS and NST also consider the section 32 report confusing insofar as it states Objective WQO3 will be useful for setting the parameters of flow regimes. As drafted it is understood Objective WQO7 addresses that task, while WQO3 is intended to state the desired outcome for individual water takes.	Amend WQO3 as follows: Manage the abstraction of surface water at a volume and rate that: ~~Water flows in streams and rivers are maintained to:~~ ~~(a) Provide protection for existing aquatic life in the water body.~~ (a) Safeguards the mauri and life-supporting capacity of the water body. (b) Maintains ~~identified significant~~ ecological integrity, significant ecological values, landscape values, recreational values, and tāngata whenua values ~~Maori customary values and traditional instream uses of~~ associated with rivers and streams. (c) Maintains water quality relative to the ~~values,~~ freshwater objectives and water quality limits ~~assimilative capacity~~ of the water body~~,~~. ~~and the Water Quality Classification of the water body~~. (d) Avoids or mitigates adverse effects on downstream environments, and existing uses of the water resource.

Provision	Support / Oppose	Reason for Submission	Relief Sought
			(e) Meets the reasonably foreseeable needs of future generations. (f) Maintains flow variability to allow for ecological integrity and the flushing of stream systems to remove deposited sediment and growths of nuisance algae
Objective WQ05	Oppose in part	The objective needs to acknowledge that water quality is also a key consideration when planning for land use change alongside water quantity matters.	Amend WQO5 as follows: Land use changes, including urban growth and land use intensification, are planned and managed to account for the water quality and quantity resource limitations of the location, , particularly in areas with existing and projected high water demand, ~~and~~ limited water resources, and / or water quality constraints.
Objective WQ06	Oppose in part	The direction that adverse effects of abstraction during low flows be avoided or mitigated to an acceptable level is uncertain. The RPS directs that flow regimes safeguard the life supporting capacity and mauri of the water body. This provides a more certain outcome to be attained.	Amend WQ06 as follows: **WQ06** The life-supporting capacity and mauri of waterbodies is safeguarded from the potential adverse effects of water abstraction during low surface water flows or low aquifer levels ~~are avoided or mitigated to an acceptable level~~. ~~Water abstractions account for water availability limitations during drought events.~~
Objective WQ07	Oppose	The Freshwater NPS directs limits be set to achieve the Freshwater Objectives that are set for a FMU through the collaborative process set out in Policy WQP2 of PC9. Objective WQ07 disregards this and directs	Amend Objective WQ07 as follows: **WQ O7** Environmental flows and/or levels (including an allocation limit and minimum flow and/or level) and freshwater quality limits are

Provision	Support / Oppose	Reason for Submission	Relief Sought
		that those limits be set to safeguard a number of (often competing) values, which in many cases may require a value judgement to be made through the Policy WQP2 process. A substantial amendment to WQO7 is sought to reflect this. In the event Objective WQO7 is only intended to support Policy WQP5, and only applies in the interim until catchment specific flow and allocation regimes are set in accordance with Policy WQP2, it should state this explicitly.	set in all WMA to meet the freshwater objectives established for each freshwater management unit. ~~Limits are set and applied for:~~ ~~(a) Instream minimum flows for surface water bodies to safeguard their life-supporting capacity, ecological integrity, significant ecological values, mauri, landscape values, recreational values, existing uses and take into account tāngata whenua values where relevant.~~ ~~(b) The total amount of water that can be taken from surface water bodies to ensure a reliable and accessible amount of water is available for users.~~ ~~(c) Groundwater, which takes into account:~~ ~~(i) The interaction between groundwater and surface water;~~ ~~(ii) Surface water flows in groundwater-fed streams and wetlands;~~ ~~(iii) The prevention of aquifer contamination by saltwater intrusion; and~~ ~~(v) Water levels in aquifers~~
Objective WQ08	Support	It is important decision making and allocation of freshwater resources recognises the benefits existing uses contribute, and the significant existing investment in those existing uses.	Retain Objective WQ08.

Provision	Support / Oppose	Reason for Submission	Relief Sought
Objective WQ09	Oppose in part.	The objective is unclear in what outcome it seeks in respect of the matters listed in (a) and (b). They could be interpreted as meaning the values and aspirations of tangata whenua and the community are to be reflected in the management of freshwater resources at the expense of other stakeholders. The section 32 explanation for the objective suggests this is not the case, and wording is suggested which more clearly reflects that section 32 explanation. It is also important the management of freshwater resources reflects understanding of the relationship between freshwater quantity and quality. However, it is also important the implications of catchment landuse are understood.	Amend WQ09 as follows: Integrated management of freshwater resources within WMAs that considers the values and aspirations of all stakeholders, including tāngata whenua, city and district councils, resource users and the community, and which incorporates: ~~reflects:~~ ~~(a) Tāngata whenua values and aspirations.~~ ~~(b) Community values and aspirations.~~ (c) Scientific research and mātauranga Māori. (d) Understanding of the relationship between freshwater quantity, ~~and~~ quality and landuse.
Objective WQ011	Oppose in part	The plan should support these tools in all catchments, not just where there is currently a water shortage problem. Efficient allocation and use is a principle that should cut across all water management in the region. However, the objective should recognise that there will be circumstances there the specified tools for making efficient use of water will not be appropriate due to the site specific circumstances and their adverse effects on the environment and other users.	Amend WQ011 as follows: **WQ011** Where water shortage is a significant problem potential solutions are explored so that the availability and efficient use of water ~~the allocation and use of water~~ is improved over time by enabling, where appropriate: (a) Water storage and managed aquifer recharge. (b) The transfer of water take consents. (c) Water harvesting.

Provision	Support / Oppose	Reason for Submission	Relief Sought
		Therefore it should not direct they be enabled in all circumstances.	
Policies			
Policy WQP1	Support	It is important the Tarawera River is attributed its own management regime which reflects its unique values, and that the plan contemplates multiple freshwater management units being established within each management area. WQP1 is supported in the basis it does this.	Retain Policy WQP1.
Policy WQP2	Oppose in part	The following changes are sought to Policy WQP2: › A change to the introductory section to clarify resource users are to be involved in the process set out in Policy WQP2. › A change to clause (a)(ii) to clarify part (a) is focussed on identifying the existing values of the FMU, not its aspirational state. › An additional clause (cc) to reflect the direction in the Freshwater NPS. › A change to clause (d)(iv) to reflect the wording of the Freshwater NPS. › A change to clause (e) to recognise the appropriate place for tangata whenua values and interests to be incorporated	Amend WQP2 as follows: Work with co-governance partners, tāngata whenua, city and district councils resource users and the community, within each WMA, to identify freshwater management units, that include all freshwater bodies in the WMA, and within in each of these to deliver (a) to (m) below: (a) Evaluate: (i) Surface water and groundwater resource quantities; (ii) Existing w~~W~~ater quality, and the suitability of surface and groundwater quality to support various values and uses; (iii) The capacity of surface and groundwater resources to meet expected future water demand; and

Provision	Support / Oppose	Reason for Submission	Relief Sought
		into the process is in step (d) which addresses setting freshwater objectives and making decisions on competing interests. Clause (e)(ii) of the notified provisions suggests that notwithstanding any decisions made on those competing uses, reflecting tangata whenua values and interests (whatever they may be) is a bottom line requirement for a flow regime. › A change to (e) and (f) to reflect the direction in the Freshwater NPS that flows, levels and allocation limits be established in an integrated manner and not in isolation.	(iv) Information needs for the purposes of water accounting. (b) Identify tāngata whenua values and interests relating to freshwater. (c) Identify social, economic and environmental values relating to freshwater. (ca) Identify the relevant attributes for the tangata whenua, social, economic and environmental values identified in (b) and (c). (d) Establish freshwater objectives taking into consideration: (i) The current state of the freshwater management unit, and its anticipated future state on the basis of past and current resource use; (ii) The limits that would be required to achieve the freshwater objectives; (iii) Any choices between values that would be required to achieve them; (iv) Any implications for resource users and people and communities, including implications for actions, investments, ongoing management changes and any social, economic or cultural implications (v) Timeframes required to achieve them; and (vi) Other matters relevant and reasonably necessary to give effect to the objectives.

Provision	Support / Oppose	Reason for Submission	Relief Sought
			(e) Set environmental flows and levels for rivers, streams, lakes and aquifers (including an allocation limit and minimum flow or level) to meet: ~~(i) Based on~~ the freshwater values and objectives and do so having regard to; ~~and~~ ~~(ii) That reflect tāngata whenua values and interests~~. ~~(f) Set water allocation and water quality limits for rivers, streams and aquifers in accordance with (e) based on the freshwater values and objectives, that have regard to:~~ (i) The reasonably foreseeable impacts of climate change; (ii) The connection between water bodies; (iii) The connection between freshwater bodies and coastal water; (iv) The connection between land use, water quantity and water quality; (v) The connection between groundwater and low temperature geothermal resources, where applicable; (vi) The level of reliability for abstraction from rivers and streams; (vii) Whether water is to be allocated to a particular type of use or value; and (viii) The protection of significant values of wetlands and outstanding freshwater bodies.

Provision	Support / Oppose	Reason for Submission	Relief Sought
			...
WQP3	Oppose in part	Oji FS and NST support the policy allowing the method for addressing over allocation to be determined on a case by case basis. However, Policy WQP3 should be amended › So it is clear that over allocation refers to any specific environmental limit set through the Policy WQP2 process, and not any default interim limit. › So it directs all users (including permitted activity users) to consider alternative sources. › So it acknowledges that regulating land use using rules is an effective means of addressing catchment water quality issues. Oji FS and NST also consider a specific policy should be included to address situations where a waterbody is over-allocated from a water quality perspective, noting that WQP2 addresses the limit setting process for both water quantity and quality.	Amend WQP3 as follows, and include an additional policy which addresses over allocation in a water quality context: **WQ P3** Take steps to phase out the over-allocation of freshwater resources above the environmental flows and/or levels for freshwater management units established via WQ P2, where applicable, by 1 October 2027, by: (a) Encouraging voluntary reductions in allocation. (b) Reviewing resource consents to determine reasonable and efficient use requirements and whether any efficiency gains can be made, including through altering the volume, rate or timing of take. (c) Rostering users or reducing the rate of take. (d) Encouraging the establishment of water user groups and voluntary agreements between water users, provided that does not enable an increase in the actual volume of water abstracted. (e) Directing users ~~applicants~~ to consider alternative sources including water harvesting, storage or roof water. (f) Shared reduction applied to all users of the water resource, including permitted activity volumes via a plan change. (g) Encouraging the transfer of consents. (h) Regulating land use using rules.

Provision	Support / Oppose	Reason for Submission	Relief Sought
WQP4	Support	Support on the basis that the policy does not prescribe a specific amount of flow variation that should be maintained in a river, and allows consideration of site specific circumstances.	Retain WQP4
WQP5	Support	The policy is supported on the basis that the default allocation limits are clearly interim limits and site specific limits are expected for each Water Management Area, and existing consent holders are exempt from having to comply with these interim limits via WQP10.	Retain WQP5.
WQP6	Oppose in part	In terms of effects on existing users, Policy WQP6 directs water harvesting be provided for where it does not compromise achievement of WQO3, which seeks effects on existing users be avoided or mitigated. The Plan should only contemplate water harvesting upstream of Tasman Mill where it will not adversely impact on the use of existing consents (as sought by Policy WQP12).	Amend WQP6 as follows: To provide for the harvesting of water during periods of high river or stream flow where: (a) The flow upstream of the take is above the median flow. (b) The additional take, combined with all other harvesting takes, does not compromise the achievement of WQ O3 and will not adversely impact upon the use of existing resource consents. (c) The take is not upstream of a hydroelectric power scheme identified in Schedule 11, unless the flow into the dam of the hydroelectric power scheme exceeds the flow allocated to the dam operator (where applicable).

Provision	Support / Oppose	Reason for Submission	Relief Sought
			(d) It will result in social, cultural, economic or environmental benefits.
WQP8	Oppose in part	It is important any secondary allocation does not impinge on the reliability of existing authorised takes. It is uncertain how (a) and (b) do this. Particularly, where existing authorised takes operating in accordance with a site-specific flow regime developed through the process set out in Policy WQP2, or through a resource consent process such as that which is incorporated into the Tasman Mill consents (rather than the interim allocation limits set out in Policy WQP5). It is also uncertain how WQP9 (which addresses the integrated management of surface and groundwater resources) relates to secondary allocation in this context.	Amend WQP8 as follows: To consider providing for secondary allocation of surface water to that identified in WQ P5, where it would not adversely impact on the use of existing resource consents and: (a) The applicant accepts an instream minimum flow of Q5 7-day low flow, so that the reliability of existing authorised takes is not reduced and flow variability is provided for abstraction in relation to this secondary allocable flow must cease when the flow reaches Q5 7 day low flow; or (b) The applicant can demonstrate that an alternative allocable flow meets the requirements of WQ O3 ~~and WQ P9~~.
WQP9	Support	It is important that effects on surface water are considered when managing the use of connected groundwater	Retain WQ P9.
WQP10	Support	It is important the plan accommodates site specific flow and allocation limits which have been demonstrated to promote sustainable management, such as those incorporated	Retain WQ P10

Provision	Support / Oppose	Reason for Submission	Relief Sought
		into the Tasman Mill consents. Clause (a) does this.	
WQP12	Support	It is important the plan protects existing users and recognises the benefits they generate ad their existing investment. WQ P12 is also a key policy implementing Objective WQ O8.	Retain WQ P12
WQ P13	Support	It is important that freshwater is used efficiently, and that efficient use is determined on a case by case basis considering the specific circumstances of each activity.	Retain WQ P13
WQ P14	Support	It is important any amnesty for previously unauthorised takes does not impact on existing authorised users. Legitimising a few select users may not be an issue, however, the cumulative effect of legitimising a large number of new water takes in a catchment would need to be considered carefully in respect of its effects on existing authorised users. Reference to giving effect to WQ P12 is important in that regard.	Retain WQP14, including its explicit reference to Policy WQP12.
WQ P15	Support	The matters listed in WQ P15 are important considerations to be had regard, particularly the direction that when considering an	Retain WQ P15.

Provision	Support / Oppose	Reason for Submission	Relief Sought
		application to take and use water that regard be had to: (d) The relative social and economic benefits of the proposed use of the water. (e) The value of investment that existing consent holders have made which depend on the water abstracted. (g) The potential effect on authorised users.	
WQ P16	Support	It is important the policy note site specific circumstances may determine a matter listed as unnecessary.	Retain WQ P16
WQ P17	Support	It is important longer consent durations are contemplated in some circumstances. Providing certainty of operation to a large significant activity such as the Tasman Mill would be one of those. However, rewording of Policy WQ17 is suggested to make this explicit.	Amend WQ P17 as follows: **WQP17** When determining the duration of a resource consent to take and use water, to apply a: (a) Consent term of no more than 10 years for water bodies which are at or exceeding the interim limits in WQ P5. (b) Consent term of no more than 15 years for all other water bodies. (c) Notwithstanding clause (a) and (b) above, a ~~L~~longer consent term may be granted if the take and use of water:

Provision	Support / Oppose	Reason for Submission	Relief Sought
			(i) Enables the use or development of regionally significant infrastructure; or (ii) Is for a non-typical activity such as dewatering and the access to, and use and development of, mineral resources; or (iii) Is demonstrated by the applicant to be appropriate in the circumstances.
WQ P23	Oppose in part	It is important that any transfer of a water permit does not have an adverse effect on any other existing authorised user to abstract water, as directed by WQ P12. Additional text is needed so this is a key directive of WQ P23. The closest direction in WQ P23 is clause (d) which requires effects to be no more than minor. Clause (e) is also opposed on the basis that it discourages trading, and any proposal to claw back over-allocation by reducing the amount allocated to users should occur via a comprehensive catchment review process rather than on an ad-hoc basis.	Amend WQ P23 as follows: **WQP23** To enable the transfer of resource consents to take or use water in whole or part to another site providing the transfer: (a) Is within the same catchment or aquifer as the original resource consent. (b) Is for the same or a lesser amount of water. (c) Does not result in more than minor adverse effects. (ca) Does not adversely impact upon the use of existing resource consents not involved in the transfer (d) Is no more than that required for the intended use. ~~(e) Where it is in an over allocated surface water catchment or groundwater aquifer, involves the surrender of a proportion of the allocated water to be surrendered and not re-allocated when water is transferred, unless there is an alternative method and defined timeframe to phase out over-allocation set out in an applicable WMA~~

Provision	Support / Oppose	Reason for Submission	Relief Sought
WQP27	Oppose in part	It is important both water quantity and water quality issues are considered when integrated management of land and water are being considered. However, Oji FS and NST are of the view that regulation of land use change is required (as is being proposed in the Waikato Region via Plan Change 1 to the Waikato Regional Plan). Encouraging land owners is not sufficient, and there is a risk that resource consent holders will be left to shoulder the burden of addressing resource limitation issues.	Amend Policy WQP27 as follows: **WQP27** Land use is regulated in catchments where ~~To encourage landowners, developers, the city council and district councils to take into account any~~ water quality and quantity resource limitations are present ~~before making any land use changes. including land use intensification and urban growth~~
WQ P29	Support	Recognising that some consents, such as those for Tasman Mill contain site specific minimum flow regimes, it is important that WQP29 only relates to circumstances where flows fall below flows set within WMA's in accordance with the Policy WQP2 process, and not the default limits contained in Policy WQP5.	Retain Policy WQP29.
Rules			
WQ R4	Oppose in part	WQ P14 (appropriately in Oji FS and NST opinion) directs that the amnesty afforded previously illegal water takes be implemented while giving effect to WQ P12 which directs any new allocation of water	Amend WQR4 as follows: **WQ R4** **Controlled Activity – Take and Use of Water for Existing Dairy Shed Wash Down and Milk Cooling Purposes**

Provision	Support / Oppose	Reason for Submission	Relief Sought
		does not adversely impact upon the use of existing resource consents. However, WQ R4 contains no condition requiring this to be the case nor any matter of control which allows conditions to be imposed to allow this to happen. While extending the amnesty to a small number of existing takes may be of no consequence for existing users, the cumulative effect of a large number of these takes being authorised could be significant.	The take and use of surface water and/or groundwater for the purposes of dairy shed washdown and milk cooling is a Controlled Activity that does not require notification, subject to the following: 1. The take and use is not permitted by a rule in this regional plan. 2. The take and use is not prohibited by Rule 49. 3. A resource consent application is lodged within 12 months of this rule becoming operative. 4. The application information contains verifiable evidence of the existence of the take at the time of notification of this plan change, including but not limited to: (i) Any consent to discharge dairy shed effluent; and (ii) Evidence of the presence of a water pump on the property and the volume and rate is proven to be the same or less than that occurring as at 18 October 2016. Bay of Plenty Regional Council reserves its control over the following matters: a. Rate and volume of take. b. Measures to restrict or stop the take during periods of low flow or to enable flow monitoring by Council. c. Metering and reporting requirements, including separate metering of any water taken under provisions of section 14(3)(b) of the Act.

Provision	Support / Oppose	Reason for Submission	Relief Sought
			d. Measures to achieve efficient use of water. e. Measures to protect existing authorised users from individual and cumulative impacts.
WQ R7	Support	The provision is supported on the basis that Oji and NST support trading in principle and the permitted activity temporary transfer is limited to points downstream, thus protecting existing users.	Retain WQ R7
WQ R8	Support	The provision is supported on the basis that Oji and NST support trading, and condition 5 is retained which protects existing users.	Retain WQ R8.
WQ R9	Oppose in part	As per Policy WQP23(e) the advisory note is opposed on the basis that it discourages trading, and any proposal to claw back over-allocation by reducing the amount allocated to users should occur via a comprehensive catchment review process than on an ad-hoc basis when transfers are proposed.	Delete the advisory note from WQR9.
WQ R10	Support	The provision is supported on the basis that the potential effects on existing users are a matter of discretion.	Retain WQ R10.

Provision	Support / Oppose	Reason for Submission	Relief Sought
WQ R11	Oppose in part	Resource consents should only be reviewed as part of a full catchment review process where a new minimum flow and allocation limit has been set for a catchment in accordance with Policy WQP2 and the Schedule 1 process. This is the case with the notified provision which requires an Instream Minimum Flow Requirement for the stream or river reach to have been specified in Schedule 7.	Amend Rule WQR11 as follows: **Discretionary Activity – Take and Use of Water** **WQ R11** The take and use of surface water or groundwater that: 1 Is not a Permitted, Controlled or Restricted Discretionary Activity ~~by~~ under a rule in this regional plan; and ~~2 Is not a controlled activity under a rule in this regional plan, and,~~ 2 Is not prohibited by Rule 49 is a discretionary activity. ~~In relation to this rule, Environment Bay of Plenty Regional Council may review resource consents for the take and use of surface water where the total volume of water authorised to be taken from a stream or river reach is greater than that provided for in the low flow allocation specified in Policy 66 WQ P5. and an Instream Minimum Flow Requirement for the stream or river reach has been specified in Schedule 7~~.