

Robyn Harrison

From: Graeme Mathieson [graeme.mathieson@emslimited.co.nz]
Sent: Thursday, 17 July 2008 13:14
To: Robyn Harrison
Cc: Mark Chrisp; Eoin Fitzpatrick; Brian Thom; Donna Curtis; Alec MacKay
Subject: Proposed One Plan Hearing - Infrastructure, Energy and Waste
Importance: High

Dear Robyn

I have reviewed the recommendations in the Horizon's Regional Council's Officers Report in relation to *Infrastructure, Energy and Waste* in terms of the relief sought in further submissions from my clients AgResearch Ltd (AgResearch) and Livestock Improvement Corporation Ltd (LIC).

AgResearch lodged further submissions opposing the primary submission of the Manawatu Branch of NZ Green Party which sought new provisions as follows:

Submission 433/16: *Addition of a new policy: "Resource consents will not be issued for GE organisms in the open environment".*

Submission 433/8: *A. Ideally prohibit GE organisms being used out of containment within the region, or:
B. Use of GE organisms out of containment be classed as Non-Complying with applications being notifiable and any consents granted having the condition that liability for adverse effects attaches to the applicant and that applicants be bonded to ensure mitigation of adverse effects.*

The AgResearch further submission opposed the Manawatu Branch of NZ Green Party submission points on the basis that:

- The submission will prohibit legitimate research activities that are now, or in the future, specifically managed through legislation designed to deal with the environmental risks associated with such activities.
- The issues of concern raised by the submitter are covered via other specific legislation, namely the Hazardous Substances and New Organisms Act, and through on site operational controls and conditions imposed via the Environmental Risk Management Agency.
- This is not an issue to address via the Resource Management Act 1991.

The Officers Report recommends that the Manawatu Branch of NZ Green Party submission points be rejected and the AgResearch further submission be accepted on the basis that Chapter 3 appropriately addresses the matters that are required to be considered in terms of Horizons' purpose and functions under the RMA, and the matters required to be considered in Regional Policy Statements, and Regional Plans including regionally important infrastructure.

AgResearch considers the recommendations in the Planners Report to be fair and reasonable and consistent with the relief sought in their further submissions, and on this basis support that recommendation.

In terms of Policy 3-8 (Cleanfills, Composting and Other Waste Reduction Activities), AgResearch and LIC lodged further submissions opposing the primary submission of the Manawatu Branch of NZ Green Party (Submission 433/14) which sought that all cleanfills be classed as a Controlled Activity with applicants being required to show that recycling of the material concerned is not a feasible option. The submission was opposed on the basis that any associated adverse environmental effects can be adequately addressed through the permitted activity performance standards.

The Officers Report recommends that the Manawatu Branch of NZ Green Party submission be rejected and the AgResearch and LIC further submissions be supported on the basis that the purpose of policy 3-8 is to encourage the separation and use of cleanfill materials and green waste as an alternative to their inclusion in the normal sanitary landfill waste stream by allowing these activities as Permitted Activities as long as certain standards are met consistent with aims of the New Zealand Waste Strategy 2002. The Officers Report goes on to say that cleanfills are an important element of a waste strategy as they have a number of benefits including providing for the life of sanitary landfills to be extended, and that their use often leads to a more effective end use of the land involved and are therefore considered a legitimate element in waste reduction strategies. The Officers Report notes that cleanfills are a Permitted Activity only when certain standards are met and consider that making them a controlled activity would provide no additional benefit.

AgResearch and LIC considers the recommendations in the Planners Report to be fair and reasonable and consistent with the relief sought in their further submissions, and on this basis support that recommendation.

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On the basis of the Officers Report recommendations (or similar) being accepted as detailed above, it is considered that my clients do not need to present evidence on this matter at the upcoming *Infrastructure, Energy and Waste* Hearing. Could you please ensure that this email is tabled at the Hearing formally recording the agreement of AgResearch and LIC in relation to the recommendations in the Officers Report. My clients still wish to retain the right to lodge an Environment Court appeal against any Council decision on this matter that they are not happy with.

Please do not hesitate to contact me with any queries, or if you require additional information.

Yours sincerely

Braeme Mathieson
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