

Janel Hau

From: Murray, Daniel <daniel.murray@urs.com>
Sent: Friday, 21 March 2014 4:34 p.m.
To: Mailroom Mailbox
Cc: Savage, Peter; Bob Willis (bob.willis@fultonhogan.com); David Caldwell
Subject: CAPG Submission to Proposed Variation 1
Attachments: CAPG Submission to Proposed Variation 1 to the PLWRP.pdf

Categories: Purple Category

Good afternoon,

Attached is a submission prepared by the Canterbury Aggregate Producers Group to Proposed Variation 1 to the Proposed Canterbury Land and Water Regional Plan. I would be grateful if you could please acknowledge receipt.

Regards
Daniel Murray

Daniel Murray
Principal Planner
URS New Zealand Limited
273 Cashel Street, P.O. Box 4479, Christchurch 8140, New Zealand
DDI: 03 374 8509 Mobile: 021 778 604 Email: daniel.murray@urs.com

This document and any attachments (the Documents) have been prepared in accordance with the scope of URS New Zealand Ltd's (URS) appointment with its client and is subject to the terms of that appointment. It is addressed to and for the sole and confidential use and reliance of the addressee. URS accepts no liability for any use of the Documents other than by the addressee and only for the purposes for which it was prepared and provided. No person other than the addressee may copy (in whole or in part), use or rely on the contents of the Documents, without the prior express written permission of an Officer or Authorised Representative of URS. To the extent permitted by law, URS expressly disclaims and excludes liability for any loss, damage, cost or expenses suffered by any third party relating to or resulting from the use of, or reliance on, any information contained in the Documents. Any advice, opinions, or recommendations within the Documents should be read and relied upon only in the context of the document as a whole. The contents of the Documents do not provide legal or tax advice or opinion.

This e-mail and any attachments contain URS Corporation confidential information that may be proprietary or privileged. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.

Submission on Proposed Variation 1 to the Proposed Canterbury Land and Water Regional Plan

To: Canterbury Regional Council
Freepost 1201
Proposed Canterbury Land and Water Regional Plan
PO Box 345
Christchurch 8140

Submitter: Canterbury Aggregate Producers Group (**CAPG**)

This is a submission by the CAPG on Proposed Variation 1 to the Proposed Canterbury Land and Water Regional Plan. Members of the CAPG are (in alphabetical order):

- Blackstone Quarries;
- Christchurch Readymix Concrete Limited;
- Fulton Hogan Limited;
- Isaac Construction Co Limited;
- KB Contracting & Quarries Limited;
- Road Metals Limited;
- Selwyn Quarries Limited;
- Taggart Earthmoving Limited; and
- Winstone Aggregates Limited.

The CAPG:

- (a) could not gain an advantage in trade competition through this submission.
- (b) is directly affected by an effect of the subject matter of the submission that—
 - (i) adversely affects the environment; and
 - (ii) does not relate to trade competition or the effects of trade competition.
- (c) The CAPG wishes to be heard in support of its submission and would consider presenting a joint case with others making a similar submission at any hearing.

Background

1. Aggregates are a fundamental building block whose ubiquitous use across all aspects of the built environment is frequently under-recognised. The production and use of aggregates is as vital for the maintenance and rebuilding of existing communities as it is crucial to their growth, development and enhancement.

2. Within Canterbury, the availability of aggregates in relatively close proximity to areas of demand is directly related to cost. Longer transport distances and requirements for multiple handling of product between the raw and processed form has a correspondingly greater effect on price. At a fundamental level, this cost influences where new development will occur (by affecting financial viability), and the extent to which the maintenance of existing infrastructure is to occur (by influencing, for example, the affordability and scope of road maintenance metalling or reseals). Accordingly, constraints on the ability to extract and process aggregates in relatively close proximity to the source of demand will negatively affect the sustainability of Canterbury's communities. On the other hand, the ready availability of strategic aggregate resources and the ability to process this material at or close to source will provide a significant stimulus into the Canterbury regional economy. It will also strongly influence the sustainability of communities.
3. The CAPG collectively operates extensive transport fleets of trucks, trailers and other specialised aggregate production and construction equipment across the Canterbury region. The group also employs more than one thousand skilled staff to operate this machinery and plant. A number of in-house mechanical and engineering workshops employing mechanics and general engineers also support the aggregate industry fleet build and maintenance activities. Out-sourced work also contributes substantially to the regional economy. It is against this background that the CAPG submission has been developed.

Relevance of Proposed Variation 1

4. The CAPG undertakes numerous activities involving land and water resources within the areas affected by Proposed Variation 1, namely the Christchurch West-Melton Zone (**CWMZ**) and Selwyn-Waihora Zone (**SWZ**). A number of these activities are concentrated within the West Melton Special Zone (**WMSZ**) which is introduced in Variation 1.
5. These activities include but are not limited to:
 - 5.1 Gravel extraction, both within river beds and within land-based quarries/pits;
 - 5.2 Aggregate processing and storage;
 - 5.3 Construction, maintenance and use of structures, defences against water, and roads/access within river beds, riparian margins, and elsewhere;
 - 5.4 Land use and infrastructure development and maintenance activities, either directly or on behalf of third parties (including roading contracts for the State highway on behalf of the New Zealand Transport Agency, and local roads on behalf of a number of territorial authorities);
 - 5.5 Asphalt and bitumen manufacture and bulk storage;
 - 5.6 Pre-cast concrete manufacture and storage;
 - 5.7 Hazardous substance use, transport and storage;
 - 5.8 Workshops, transport depots, storage yards, staff offices, and supporting infrastructure (including wastewater, stormwater, and potable water);
 - 5.9 Water abstraction to support construction and operational activities (e.g. dust suppression, dewatering) and to provide potable water for staff facilities.

- 5.10 Discharges of water and contaminants to land and water, and the damming and diversion of water, associated with the above activities (where relevant).
6. The CAPG wishes to ensure the regulatory regime under Proposed Variation 1 does not curtail its existing lawfully established activities.
7. In addition to the above, viable aggregate resources from existing consented land-based sources in close proximity to Christchurch is declining. The CAPG and Fulton Hogan presented evidence at the original PLWRP hearings that demonstrated:
- 7.1 Two-thirds of Canterbury's aggregate demand is from the Christchurch City, Selwyn and Waimakariri districts;
- 7.2 The annual demand for aggregates in those districts will rise twofold via 2041; and
- 7.3 Presently available resources (i.e. developed quarries) in those districts will be exhausted in the short to medium term.
8. The CAPG considers the area encompassed by the CWMZ and SWZ is likely to play a pivotal role in the development of new aggregate resources over the next few decades. On that basis the CAPG wishes to ensure the regulatory regime under Proposed Variation 1 does not foreclose future development opportunities. Moreover, the activities of the CAPG contribute to the sustainable management of resources for the wider benefit of people and communities; where aggregates and aggregate-based products are not available (including at a reasonable cost), this has a fundamental effect on the ability of communities to provide for roading, building and other infrastructural requirements vital to their needs.

Existing resource consents, regulatory requirement and voluntary measures

9. The CAPG collectively holds numerous regional council resource consents within the CWMZ and SWZ. These resource consents were obtained through processes under the Resource Management Act 1991 (**RMA** or **Act**) pursuant to provisions of the Transitional Regional Plan or Natural Resources Regional Plan and, in some instances, required additional land use consents from the relevant territorial authorities.
10. Other relevant regulatory, contractual or voluntary requirements, which assist various members of the CAPG in achieving the purpose of the RMA, include but are not limited to:
- 10.1 Compliance with ISO 9001 and ISO14001 standards and on-going certification;
- 10.2 Extensive and comprehensive internal environmental management systems to manage environmental risks, compliance matters, measurement and management processes, and to implement environmental improvement programmes;
- 10.3 A "Zero Harm" policy and compliance with the Health and Safety in Employment Act;
- 10.4 Policies and programmes centred on sustainability, including around environmental care, sustainable energy use, waste reduction and pollution prevention (for example, participation in the ROSE scheme (Recycling Oil Saves the Environment) and recycling of asphalt and other road products); and
- 10.5 Various obligations as part of entering into landowner agreements including with the Council to lease, or gain access to land. Such obligations include the requirement to use and manage land in a good and husband-like manner, requirements relating to fencing, weed and animal pest control, erosion control, and site reinstatement,

alongside any rental or other form of compensation. For example, Fulton Hogan constructed and planted embankments on Coutts Island for the Council.

11. The CAPG also needs certainty in its business operation in order to service contracts that may extend over several years, and to provide security for investment in plant and machinery.

General submissions

12. The CAPG and Fulton Hogan were successful in the earlier phase of the PLWRP in ensuring that existing and new aggregate quarry developments could, under particular circumstances, be considered as a non-consumptive activity and therefore not be subject to allocation limits (see Rules 5.131 and 5.132). As a general submission, the CAPG seeks that Proposed Variation 1 does not impinge on these rules. However, in some circumstances there remains the possibility that some takes and uses of water required by the aggregates industry may be considered consumptive. Therefore specific submissions have been made to ensure the aggregates industry is still able to make resource consent applications for consumptive takes and uses of water in areas where the catchment may be considered to be allocated.

Specific submissions

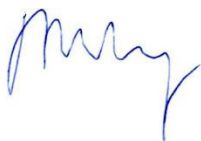
13. The CAPG's specific submissions are contained in appendix A.

Relief Sought

14. That the application of Rules 5.131 and 5.132 to the aggregates industry remains unaffected;
15. The policies, methods and any explanatory texts be amended to give effect to the decisions sought in this submission (including the relief sought in the table annexed as appendix A and forming part of this submission) or such other words to address the concerns raised; and
16. Any consequential changes necessary to the policies, methods and any other explanatory text necessary to give full effect to the decisions sought.

Signed on behalf of

CANTERBURY AGGREGATE PRODUCERS GROUP



Dated 21 March 2014

Address for Service of Submitter:

c/- URS New Zealand
PO Box 4479
Christchurch

Attn: Daniel Murray

Phone (03) 374 8500
Email daniel.murray@urs.com

Appendix A: Submissions

Sub #	The provisions of the Proposed Variation that the CAPG's submission relates to are:	The CAPG's submission is that:		The CAPG seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
1	All amendments to Section 9 and 11 relating to the West Melton Special Zone and related groundwater level restrictions.	Support in part	<p>The amendments to the CWMZ and SWZ include the introduction of groundwater level restrictions in a newly created WMSZ, which straddles both sub-regional sections. To provide for these amendments a number of changes and additions are made to introductory text, definitions, policies and rules. However, it appears the amendments are not applied consistently across both zones.</p> <p>In that part of the WMSZ within the SWZ, the new regime provides for new groundwater takes as a restricted discretionary activity, subject to conditions (under new rule 11.5.32, which prevails over Rule 5.128). The CAPG generally supports this approach, subject to further specific submissions to follow.</p> <p>However, within that part of the WMSZ within the CWMZ, it is unclear and uncertain whether a similar regime is proposed. This is because under one possible interpretation the CWMZ is already fully allocated and therefore resource consents for anything but small groundwater takes cannot be granted. Under another interpretation, there is water available for allocation.</p> <p>To explain, Section 9.6.2 Groundwater Allocation Limits of the decisions version of the PLWRP states:</p> <p><i>In general, no additional water is to be allocated from the Christchurch West-Melton Groundwater Allocation Zone shown on the Planning Maps except for group or community water supply as set out in 5.115 or for non-consumptive taking and use as set out in Rules 5.131 and 5.132.</i></p> <p>Proposed Variation 1 does not seek to alter the above statement, nor the rules referred to in the statement.</p> <p>Interpretation 1: Groundwater within the CWMZ is only available for allocation to community water supplies and non-consumptive takes. There is no water to be allocated to 'other activities'. The effect of this is that when a new take of groundwater in the CWMZ for an 'other activity' is considered under Rule 5.128, the activity status defaults to prohibited under Rule 5.130. This is because the take would result in a non-compliance with either conditions 2 or 3 of Rule 5.128, which requires that the take does not exceed the groundwater allocation limit set in the sub-regional sections. While in this case Section 9 does not specify a quantitative limit, one interpretation is that the effect of the text "no</p>	<p>Make any amendments to Rules 5.128 to 5.130, and Sections 9 and 11, and any consequential amendments throughout the PLWRP, as necessary to:</p> <p>(1) Ensure consistency in the application, terms and wording of policies and rules relating to the West Melton Special Zone;</p> <p>(2) Ensure that an ordinary reader of the PLWRP can readily identify that the West Melton Special Zone straddles two sub-regional chapters (Sections 9 and 11);</p> <p>(3) Clearly provide for new groundwater takes in that part of the West Melton Special Zone within the Christchurch West Melton Zone as a restricted discretionary activity. One of the conditions for any amended or new rule could be the groundwater level restrictions, as per Condition (4) on proposed Rule 11.5.32 for the Selwyn-Waihora Zone. Other conditions and matters for discretion could also be similar to Rule 11.5.32, subject to any consequential amendments required for the Christchurch West Melton Zone and avoidance of any restrictions on the ability of the aggregates industry to abstract water for related activities.</p> <p>Specific submission points are made below.</p>

Sub #	The provisions of the Proposed Variation that the CAPG's submission relates to are:	The CAPG's submission is that:		The CAPG seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
			<p>additional water is to be allocated" has the same meaning as if the zone is already fully allocated¹. Therefore, the introduction of an additional condition into Rule 5.128 (by way of new Rule 9.5.11), which requires compliance with the groundwater level restrictions in the WMSZ, does not appear to achieve any particular outcome. This is because all new takes for 'other activities' are prohibited activities.</p> <p>Interpretation 2: The use of the words "in general" at the outset of Section 9.6.2 suggests in some instances there is water available for 'other activities' and therefore there is no breach of Conditions 2 and 3 of Rule 5.128. The activity may then be considered a restricted discretionary activity under that rule.</p> <p>The CAPG is of the view that Interpretation 2 best fits with ECan's intentions, as this is consistent with the restricted discretionary activity status regime proposed in that part of the WMSZ within the SWZ. The CAPG submits that Interpretation 2 is clearly provided for in the policy and rule framework.</p>	
2	Introductory text in Section 9.1	Support in part	For the reasons stated in submission (1) above, the CAPG requests amendments to Variation 1 which clearly provide for new groundwater takes for 'other activities' in that part of the WMSZ in the CWMZ to be treated as restricted discretionary activities.	Retain introductory text, subject to the provision of the relief sought under submission point (1) and other related submission points, namely that groundwater takes for 'other activities' in that part of the WMSZ within the CWMZ are allowed for as a restricted discretionary activity.
3	Definition of West Melton Special Zone in 9.1A	Support in part	For the reasons stated in submission (1) above, the CAPG requests amendments to Variation 1 which clearly provide for new groundwater takes for 'other activities' in that part of the WMSZ in the CWMZ to be treated as restricted discretionary activities.	Retain the Christchurch-West Melton Section Definition, subject to the provision of the relief sought under submission point (1) and other related submission points, namely that groundwater takes for 'other activities' in that part of the WMSZ within the CWMZ are allowed for as a restricted discretionary activity.
4	Policy 9.4.8	Support in part	For the reasons stated in submission (1) above, the CAPG requests amendments to Variation 1 which clearly provide for new groundwater takes for 'other activities' in that part of the WMSZ in the CWMZ to be treated as restricted discretionary activities.	Retain Policy 9.4.8, subject to the provision of the relief sought under submission point (1) and other related submission points, namely that groundwater takes for 'other activities' in that part of the WMSZ within the CWMZ are allowed for as a restricted discretionary activity.

¹ Fulton Hogan submitted on this lack of clarity and certainty during the original hearing process, but was unsuccessful with getting such changes made. The reasons for this decision are also unclear.

Sub #	The provisions of the Proposed Variation that the CAPG's submission relates to are:	The CAPG's submission is that:		The CAPG seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
5	Rule 9.5.10	Oppose	The CAPG considered that small water takes, of less than 5 L/s and between 10-100m ³ /day, within the West Melton Special Zone should continue to be allowed for as a permitted activity. There appears to be no justification in the Section 32 report for removal of this permitted activity rule.	Delete Rule 9.5.10: 9.5.10 Within Christchurch West Melton, Regional Rule 5.114 shall include the following additional condition: 1. The take is not within the West Melton Special Zone.
6	Rule 9.5.11	Oppose in part	Rule 9.5.11 adds an additional condition to Rule 5.128 requiring compliance with the groundwater level restrictions in Table 9.6.2 (specific submission on the table below). However, it is unclear what the activity status would be where this condition is not complied with. Currently Rule 5.129 prescribes a non-complying status where conditions 1 and 4 of Rule 5.128 are not met, and Rule 5.130 prescribes a prohibited status if conditions 2 and 3 of Rule 5.128 cannot be met. No amendments are suggested in Proposed Variation 1 to prescribe the activity status where the additional condition in Rule 9.5.11 is not met. The CAPG submits that the appropriate status should be non-complying, and that an additional rule is either added to Chapter 9 to clarify this, or that Rule 5.129 is modified accordingly.	Retain Rule 9.5.11, subject to any amendments required to ensure that any non-compliance with the condition is treated as a non-complying activity.
7	Rule 9.6.2	Support in part	For the reasons stated in submission (1) above, the CAPG requests amendments to Variation 1 which clearly provide for new groundwater takes for 'other activities' in that part of the WMSZ in the CWMZ to be treated as restricted discretionary activities.	Retain Section 9.6.2 Groundwater Allocation Limits, subject to the provision of the relief sought under submission point (1) and other related submission points, namely that groundwater takes for 'other activities' in that part of the WMSZ within the CWMZ are allowed for as a restricted discretionary activity.
8	Table 9.6.2	Oppose in part	Other than referring to the "formalising" of the WMSZ groundwater level restrictions regime which is applied by ECan consent officers, and the previous existence of restrictions in the Transitional Regional Plan, the Section 32 report does not provide sufficient technical justification for its inclusion. Until this technical evidence is provided, so that CAPG may better understand the potential impacts of the restrictions on the groundwater and consenting regime, the CAPG submits that the aggregates industry should be exempt from the restrictions.	Retain Table 9.6.2 and footnotes, subject to exempting the aggregates industry from the groundwater level restrictions.
9	Definition of "West Melton Special Zone" in Section 2.10	Support in part	For the reasons stated in submission (1) above, the CAPG supports the inclusion of the WMSZ and a restricted discretionary activity regime for new groundwater takes, provided that regime also applies to that part of the WMSZ within the CWMZ.	Retain definition of "West Melton Special Zone", subject to the provision of the relief sought under submission point (1) and other related submission points, namely that groundwater takes for 'other activities' in that part of the WMSZ within the CWMZ are allowed for as a restricted discretionary activity.

Sub #	The provisions of the Proposed Variation that the CAPG's submission relates to are:	The CAPG's submission is that:		The CAPG seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
10	Policy 11.4.22	Oppose	<p>Condition (c) in Policy 11.4.22 seeks that 50% of any water transferred is surrendered. In combination with Condition 4 in Rule 11.5.37 this will potentially have the effect of discouraging water transfers and precluding opportunities to put water to a more efficient and higher value use.</p> <p>During the submission and hearing phase for the PLWRP, the CAPG, Fulton Hogan and many other submitters questioned ECan's justification for introducing seemingly arbitrary surrender percentages, which if not adhered to, would require a resource consent for a non-complying activity. The commissioners in part agreed and softened the planning approach, including the transfer of surrender percentages from rule conditions to matters of discretion (Rule 5.133).</p> <p>In the CAPG's view the re-introduction of a surrender percentage into policies and rules in the SWZ undoes many of the advances made at the previous phase. The CAPG continues to oppose a blanket requirement to surrender water for the same reasons raised at the previous phase, namely:</p> <ul style="list-style-type: none"> • '50%' is seemingly arbitrary; there appears to be no technical justification in the Section 32 report for how this figure was arrived at; • The requirement under the National Policy Statement for Freshwater to reduce over-allocation in over-allocated catchments is acknowledged, however, surrendering water during transfers is blunt and only one potential mechanism for giving effect to the NPS. <p>Further comments are made on Rule 11.5.37 below.</p>	<p>Delete Condition (c) in Policy 11.4.22:</p> <p>11.4.22 [...]</p> <p>(c) In all other cases 50% of any transferred water is surrendered.</p>
11	Policy 11.4.33	Support in part	<p>For the reasons stated in submission (1) above, the CAPG supports the inclusion of the WMSZ and a restricted discretionary activity regime for new groundwater takes, provided that regime also applies to that part of the WMSZ within the CWMZ.</p>	<p>Retain Policy 11.4.33, subject to the provision of the relief sought under submission point (1) and other related submission points, namely that groundwater takes for 'other activities' in that part of the WMSZ within the CWMZ are allowed for as a restricted discretionary activity.</p>
12	Rule 11.5.31	Oppose	<p>For the reasons stated in submission (1) above, the CAPG supports the inclusion of the WMSZ and a restricted discretionary activity regime for new groundwater takes, provided that regime also applies to that part of the WMSZ within the CWMZ.</p>	<p>Retain Rule 11.5.31, subject to the provision of the relief sought under submission point (1) and other related submission points, namely that groundwater takes for 'other activities' in that part of the WMSZ within the CWMZ are allowed for as a restricted discretionary activity.</p>

Sub #	The provisions of the Proposed Variation that the CAPG's submission relates to are:	The CAPG's submission is that:		The CAPG seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
13	Rule 11.5.32	Support in part	<p>The CAPG agrees with the general scope and intent of this rule to provide for water takes in the SWZ as a restricted discretionary activity subject to conditions. However:</p> <ul style="list-style-type: none"> • Condition 2 refers to allocation limits in tables 11(e) 11(f) and 11(g). These limits should not apply to that part of the WMSZ contained within the SWZ. • Condition 4 refers to the groundwater take in the WMSZ needing to comply with the level restrictions in Table 11(h). This is supported provided the same activity status is extended to that portion of the WMSZ contained within the CWMZ. 	<p>Retain Rule 11.5.32, subject to:</p> <ul style="list-style-type: none"> • Condition 2 being amended as follows: "<u>Except in the West Melton Special Zone,</u> the take in addition to all existing resource consented takes, does not result in any exceedance of any of the allocation limits in Table 11(e), 11(f) and 11(g).
14	Rule 11.5.36	Oppose	<p>Rule 11.5.36 prescribes prohibited activity status for any take of water not meeting certain conditions of Rule 11.5.32, or not complying with Rules 11.5.33 or 11.5.24. The CAPG submits that prohibited activity status is unduly onerous and precludes activities which may have minor adverse effects and significant social and economic benefits. Such opportunities should not be foreclosed and applications should be able to be made as a non-complying activity.</p>	<p>Amend Rule 11.5.36:</p> <p>The taking and use of surface water from a river, lake or wetland or groundwater within the Selwyn Waihora catchment and including all areas within the Little Rakaia Combined Surface and Groundwater Allocation Zone that does not meet Conditions 1, 2, 6 or 7 of Rule 11.5.32 or Rule 11.5.33 or Rule 11.5.34 is a prohibited <u>non-complying</u> activity.</p>

Sub #	The provisions of the Proposed Variation that the CAPG's submission relates to are:	The CAPG's submission is that:		The CAPG seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
15	Rule 11.5.37 Condition 4	Oppose	<p>During the submission and hearing phase for the PLWRP, the CAPG, Fulton Hogan and many other submitters questioned ECan's justification for introducing seemingly arbitrary surrender percentages, which if not adhered to, would require a resource consent as a non-complying activity. The commissioners ultimately agreed with these submissions, and removed the surrender percentages from conditions and made them matters for discretion under a restricted discretionary status.</p> <p>Condition 4 significantly undoes the advances made at the previous phase as it requires that 50% of any water sought to be transferred be surrendered. There is no alternative as non-compliance with the conditions leads to prohibited activity status under Rule 11.5.39.</p> <p>It is considered the introduction of a 50% surrender could have the same or similar effect to blanket prohibited activity status and therefore foreclose the opportunity for water to be put to better and more efficient use.</p> <p>The CAPG opposes this proposed regime for the same reasons raised at the previous phase, namely:</p> <ul style="list-style-type: none"> • "50%" is seemingly arbitrary; there appears to be no justification in the Section 32 report for how this figure was arrived at; • The requirement under the National Policy Statement for Freshwater to reduce over-allocation in over-allocated catchments is acknowledged, however, surrendering water during transfers is but one potential mechanism for doing this. <p>In addition to the above, the CAPG and Fulton Hogan were successful during the previous phase in obtaining the inclusion of a transfer rule into Section 9 dealing specifically with the aggregates industry (refer Rule 9.5.8). For the reasons discussed in previous submissions and evidence, the CAPG submits this same rule should also be inserted into Section 11.</p>	<p>Delete Condition 4 of 11.5.37:</p> <p>4. If the transfer is within the Rakaia Selwyn or Selwyn-Waimakariri Combined Surface and Groundwater Allocation Zones 50% of the volume of transferred water is to be surrendered.</p> <p>and provide for surrender as a matter of discretion.</p> <p>Add the following new rule 11.5.37A:</p> <p><u>The temporary or permanent site to site transfer, in whole or in part, of a water permit to take or use water for gravel extraction (and associated purposes) is a discretionary activity provided the water is used for the same purpose.</u></p>
16	Table 11(h)	Oppose	<p>Other than referring to the "formalising" of the WMSZ groundwater level restrictions regime which is applied by ECan consent officers, and the previous existence of restrictions in the Transitional Regional Plan, the Section 32 report does not provide sufficient technical justification for the inclusion of groundwater level restrictions. Until this technical evidence is provided, so that CAPG may better understand the potential impacts of the restrictions on the groundwater and consenting regime, the CAPG submits that the aggregates industry should be exempt from the restrictions.</p>	<p>Retain Table 11(h) and footnotes, subject to exempting the aggregates industry from the groundwater level restrictions.</p>