

From: [Ensor, Tim](#)
To: [Mailroom Mailbox](#)
Cc: ["Peter Savage"](#)
Subject: Submission on PC4 - Fulton Hogan Limited
Date: Monday, 12 October 2015 2:44:55 p.m.
Attachments: [Fulton Hogan Submission to Plan Change 4 to the LWRP \(Final\).pdf](#)

Hi

Please find attached a submission to Plan Change 4 to the Canterbury Land and Water Regional Plan on behalf of Fulton Hogan Limited.

Could you please confirm receipt of this submission.

Regards

Tim Ensor

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Submission on Plan Change 4 to the Canterbury Land and Water Regional Plan

To: Canterbury Regional Council
Freepost 1201
Plan Change 4- Canterbury Land and Water Regional Plan
PO Box 345
Christchurch 8140

Submitter: Fulton Hogan Limited (**Fulton Hogan**)

This is a submission by Fulton Hogan Limited on Plan Change 4 to the Canterbury Land and Water Regional Plan.

Fulton Hogan:

- (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) Fulton Hogan 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. Fulton Hogan is one of New Zealand's largest roading and infrastructure construction companies. Within New Zealand, Fulton Hogan employs close to 4000 staff and has an annual turnover of around NZ \$1 billion.
2. Within Canterbury, Fulton Hogan has operated since 1979 and currently employs approximately 700 staff. The Canterbury operations form the largest component of Fulton Hogan's business in New Zealand. The approximately \$50M annual wages and salaries bill for this region provides a significant stimulus to the Canterbury economy.
3. Fulton Hogan's transport fleet of trucks, trailers and other specialised construction equipment is the second largest fleet consumer of road user charges in New Zealand. A number of in-house mechanical and engineering workshops employing mechanics and general engineers also support its fleet build and maintenance activities. Out-sourced work also contributes substantially to the regional economy.

Relevance of Proposed Plan Change 4

4. Fulton Hogan undertakes numerous activities involving land and water resources within the Canterbury Region. These activities include but are not limited to:
 - 4.1 Gravel extraction, both within river beds and within land-based quarries/pits;

- 4.2 Aggregate processing and storage;
 - 4.3 Construction, maintenance and use of structures, defences against water, and roads/access within river beds, riparian margins, and elsewhere;
 - 4.4 Hazardous substance use, transport and storage;
 - 4.5 Workshops, transport depots, storage yards, staff offices, and supporting infrastructure (including wastewater, stormwater, and potable water);
 - 4.6 Water abstraction to support construction and operational activities (e.g. dust suppression, dewatering) and to provide potable water for staff facilities.
 - 4.7 Discharges of water and contaminants to land and water, and the damming and diversion of water, associated with the above activities (where relevant).
5. Fulton Hogan wishes to ensure the regulatory regime under Plan Change 4 does not curtail its existing lawfully established activities. Fulton Hogan 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.
 6. In addition to the above, viable aggregate resources from existing consented land-based sources in close proximity to Christchurch is declining. The Canterbury Aggregate Producers Group and Fulton Hogan presented evidence at the original PLWRP hearings that demonstrated:
 - 6.1 Two-thirds of Canterbury's aggregate demand is from the Christchurch City, Selwyn and Waimakariri districts;
 - 6.2 The annual demand for aggregates in those districts will rise twofold via 2041; and
 - 6.3 Presently available resources (i.e. developed quarries) in those districts will be exhausted in the short to medium term.
 7. The activities of Fulton Hogan 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.

General submissions

8. Fulton Hogan is concerned that Plan Change 4 introduces controls that are unnecessarily broad and/or that are based on information that is recognised as potentially being inaccurate. Of particular concern are provisions relating to vegetation clearance and inanga spawning sites which introduce potentially significant consenting costs that may be unnecessary given the environmental conditions or effects.
9. Fulton Hogan is also concerned that including further aspects of the Gravel Management Strategy within the plan exacerbates potential inequalities associated with abstracting gravel under the authorisation of the Regional Engineer. Allowing the storage and processing of gravel extracted on behalf of the Canterbury Regional Council as a permitted activity raises questions around the regulatory framework applied to other gravel extraction activities.

10. On this basis while parts of Plan Change 4 are supported, overall this submission opposes the plan change as without the changes sought in Appendix A, the proposed amendments to the Canterbury Land and Water Regional Plan:
 - 10.1 will not promote sustainable management; and
 - 10.2 will not provide for the efficient use and development of natural and physical resources.

Specific submissions

11. Fulton Hogan's specific submissions are contained in Appendix A.

Relief Sought

12. The policies, methods 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
13. 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
Fulton Hogan Limited



Dated 12 October 2015

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c/- AECOM New Zealand
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Christchurch 8140

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Appendix A: Submissions

Sub #	The provisions of the Proposed Variation that Fulton Hogan's submission relates to are:	Fulton Hogan's submission is that:		Fulton Hogan seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
1	Planning maps	Oppose	The planning maps identifying inanga spawning sites and spawning areas are difficult to read due to the similarity of the colours used and the size of the spawning site marker. It is also unclear where the inanga spawning sites on the map includes the buffer protection zone described in the additions to Schedule 17.	Amend the planning maps to provide further clarity as to where the inanga spawning sites and inanga spawning habitats are located.
2	Planning maps	Oppose in part	The addition of inanga spawning habitat areas on the planning maps covers a large area of the Waimakariri River mouth and upstream to the west of the Main North Road Bridge. The Section 32 report (pg 34) states that there may be areas identified that do not provide habitat for inanga spawning due to the limited factors used in the model to determine habitat areas. Given the consenting implications associated with these maps, this level of uncertainty is unacceptable.	Delete the proposed inanga spawning habitat zones from the planning maps until a more comprehensive review is completed.
3	Policy 4.85A	Support in part	Fulton Hogan consider that the policy as notified is too broad in that it encompasses exotic vegetation along with indigenous vegetation. Page 45 of the section 32 references limiting the removal of woody vegetation or indigenous biodiversity from the bed of a river to protect indigenous biodiversity as the outcome sought from including the new policy 4.85A and conditions in rules 5.163, 5.167 and 5.168. Woody vegetation is an ambiguous term and therefore Fulton Hogan proposes that the policy only refer to indigenous vegetation.	Amend Policy 4.85A <i>Indigenous biodiversity, habitats of indigenous fauna and flora, and the natural character of Canterbury's braided river systems is preserved through:</i> <i>(a) preventing encroachment of activities into the beds and margins of lakes and rivers; and</i> <i>(b) limiting indigenous vegetation clearance within the bed, banks and margins of lakes, rivers, wetlands or coastal lagoons unless the vegetation clearance is for the purpose of pest management, habitat restoration, flood control purposes, the operation, maintenance or repair of structures or network utilities, or maintenance of public access.</i>
4	Policy 4.86A	Oppose	This policy relies directly on the identification of inanga spawning sites on the planning maps. The lack of clarity of the planning maps leads to uncertainty regarding the impact of the policy. On this basis this policy is opposed.	Delete Policy 4.86A <i>Inanga spawning sites are protected through, as a first priority, avoiding activities within the beds and margins of lakes, rivers, hāpua, wetlands, coastal lakes and lagoons that may damage inanga spawning sites, and where these activities cannot be avoided, the use of best practicable options to minimise all impacts.</i>
5	Policy 4.86B	Oppose	This policy has no link to identified inanga spawning habitat and therefore applies to all	Delete Policy 4.86B until a more comprehensive review of Inanga

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		Oppose/ Support	Reasons	
			<p>rivers. This creates an onerous framework for considering resource consent applications for activities within the bed or margins of a river.</p> <p>If the policy was amended to refer to the habitat identified on the planning maps, the limited factors used in the model to determine habitat areas remains an issue. Given the consenting implications associated with these maps, this level of uncertainty is unacceptable.</p> <p>In addition the policy sets a significant expectation as to the period where works within the bed or margins of rivers may be suspended. While the time period is prefaced with the term "where practicable" Fulton Hogan feel the period sets far too high an expectation as to what may be achieved through this policy. On this basis any amended policy should not include this restriction.</p>	<p>spawning habitat is completed.</p> <p><u>Within the beds and margins of lakes, rivers, hāpua, wetlands, coastal lakes and lagoons, damage to inanga spawning habitat is minimised by scheduling works to occur outside the inanga spawning period of 1 March to 1 June inclusive where it is practicable to do so, and by extending this period to 1 January to 1 June inclusive, where the works involve vegetation clearance or earthworks, so as to allow sufficient time for regeneration of the habitat.</u></p>
6	Policy 4.95A	Oppose	<p>The proposed policy enables the provisions of the Gravel Management Strategy to be given effect to when considering applications for consent to extract gravel. The strategy includes overarching rules for gravel extraction that are opposed by Fulton Hogan, including that;</p> <ul style="list-style-type: none"> • Written authorisations from ECan will be issued for a maximum duration of 12 months and a maximum volume of 60,000m³ • Resource consents will be issued for a maximum duration of 12 months and a maximum volume of 60,000m³, except on the Waimakariri River where durations of up to 5 years and volumes of up to the maximum available quantity will be considered <p>Investment in plant and the need for long term certainty of supply is needed to ensure gravel abstraction from rivers remains viable. Where this is not enabled the result could be a perverse outcome of industry turning to focus investment in land based gravel extraction sites.</p> <p>Fulton Hogan seeks deletion of this policy due to the above opposition to the Gravel Management Strategy and as existing policies 4.93 and 4.95 enable the effective management of rivers for flood control purposes and require gravel extraction is undertaken in ways that minimise potential adverse effects on erosion.</p>	<p>Delete Policy 4.95A in its entirety</p> <p><u>Effective management of rivers for flood control purposes is enabled, and erosion of riverbeds, banks and structures from the effects of gravel extraction is minimised, by aligning the duration and volume limits in any resource consent granted for the extraction of gravel with those set out in the Canterbury River Regional Gravel Management Strategy.</u></p>

Sub #	The provisions of the Proposed Variation that Fulton Hogan's submission relates to are:	Fulton Hogan's submission is that:		Fulton Hogan seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
7	Rule 5.145	Oppose in part	The proposed amendment requires that all refuelling in lake and riverbeds is carried out on an impermeable surface as the option for using drip trays is removed from condition 3. This would require the development of impermeable surfaces wherever refuelling occurs which in many cases is impractical and unnecessary given other options available.	<p>Amend Rule 5.145:</p> <p><i>The <u>use of land</u> for the refuelling of vehicles or equipment in the bed of a lake or river is a permitted activity, provided the following conditions are met:</i></p> <ol style="list-style-type: none"> 1. <i>The refuelling of machinery does not take place over the wet bed of a river or lake, or in any area where spills may enter surface water; and</i> 2. <i>All refuelling and bulk deliveries are directly supervised by the equipment operator; and</i> 3. <i>All mobile plant is refuelled in a designated area. Refuelling occurs on an impermeable surface base away from drains or watercourses and if not, drip trays are used; and</i> 4. <i>All non-mobile plant has a drip tray or other spill-containment equipment installed.</i>
8	Rule 5.148	Oppose	<p>The proposed amendment to condition 9 of Rule 5.148 restricts activities undertaken during the inanga spawning season in any inanga spawning habitat.</p> <p>The Section 32 report (pg 34) states that there may be areas identified that do not provide habitat for inanga spawning due to the limited factors used in the model to determine habitat areas. Given the consenting implications associated with these maps, this level of uncertainty is unacceptable.</p> <p>Due to the volume limits this rule is unlikely to affect Fulton Hogan however the amendment is not supported due to the uncertainty surrounding the inanga habitat maps.</p>	<p>Delete reference to inanga spawning habitat from Rule 5.148.</p> <p>9. The activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17, <u>or in any inanga spawning habitat during the inanga spawning season of 1 March to 1 June inclusive;</u></p>

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		Oppose/ Support	Reasons	
9	Rule 5.149	Oppose	<p>This rule was opposed in Fulton Hogan and Road Metals submission on the LWRP due to the rule enabling CRC or its agents to extract gravel as a permitted activity which is not effects based and is considered inequitable in its restriction of control at the exclusion of others.</p> <p>Adding non-compliance with conditions 5 and 8 to this permitted activity rule will enable material to be left in the river bed for longer than 10 days and enable processing of gravel in the river bed. These additions are opposed as they further add to the inequity issues identified in Fulton Hogan and Road Metals LWRP submission.</p>	<p>Amend Rule 5.149 to remove the changes sought through PC4.</p> <p><i>The extraction of gravel from the bed of a lake or river, including the ancillary deposition of substances on the bed and excavation or other disturbance of the bed that complies with all the conditions in Rule 5.148, except with respect to the volume limits in condition 4 of does not meet condition 4, does not meet condition 4, 5, or 8 of Rule 5.148, is a permitted activity, provided the following condition is met:</i></p> <p><i>1. The extraction of gravel is undertaken by or on behalf of the CRC in conformance with the current version of the Canterbury Regional Gravel Management Strategy prepared to give effect to Policy 10.3.4 of the Canterbury Regional Policy Statement.</i></p>
10	Rule 5.163	Oppose in part	<p>This rule provides for the removal and disturbance of existing vegetation in, on or under the bed of a lake or river as a permitted activity where all the conditions are met. The rule is proposed to be expanded to include any associated discharges of sediment or sediment laden water. Changes to the conditions of the rule are also proposed by Plan Change 4.</p> <p>Vegetation clearance is a term used elsewhere in this rule and therefore it is proposed to substitute removal with clearance for consistency.</p> <p>The proposed amendment to condition 7 relates to activities undertaken in inanga spawning habitat during the inanga spawning season. Due to the uncertainties surrounding the mapping of these sites outlined previously this addition is opposed.</p> <p>New condition 9 requires that any vegetation clearance within the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and the Waitaki does not result in a reduction in the area or diversity of existing riverbed vegetation. Gravel extraction activities may require the disturbance or removal of vegetation during the mining process. This additional condition as read relates to all vegetation, whereas Page 45 of the section 32 references limiting the removal of woody vegetation or indigenous biodiversity from the bed of a river to protect indigenous biodiversity as the outcome sought from including the new policy 4.85A and conditions in rules 5.163, 5.167 and 5.168.</p> <p>Woody vegetation is an ambiguous term and therefore Fulton Hogan proposes that the condition only refer to indigenous vegetation.</p>	<p>Amend Rule 5.163</p> <p><i>The introduction or planting of any plant, or the removal clearance and disturbance of existing vegetation in, on or under the bed of a lake or river and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:</i></p> <p>[...]</p> <p><i>7. Vegetation clearance does not occur in an inanga or salmon spawning site listed in Schedule 17, or undertaken in any inanga spawning habitat during the period of 1 January to 1 June inclusive;</i></p> <p>[...]</p> <p><i>9. From 5 September 2015, and within the bed of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and the Waitaki rivers the vegetation clearance of indigenous vegetation does not result in a reduction in the area or diversity of existing indigenous riverbed vegetation; and</i></p> <p>[...]</p>

Sub #	The provisions of the Proposed Variation that Fulton Hogan's submission relates to are:	Fulton Hogan's submission is that:		Fulton Hogan seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
11	Rule 5.164	Support in part	Activities involving the clearance of <u>any</u> exotic vegetation would contravene Condition 9 of Rule 5.163 as amended. On this basis non-complying activity status is considered overly restrictive.	<p>Amend Rule 5.164:</p> <p><i>The introduction or planting of any plant, or the removal or disturbance of existing vegetation in, on or under the bed of a lake or river and <u>any associated discharge of sediment or sediment-laden water that does not comply with one or more of the conditions 1, 3 or 5 to 7 of Rule 5.163, excluding conditions 2 and 4, and 9</u>, is a restricted discretionary activity.</i></p>
12	Rule 5.165	Oppose	Activities involving the clearance of <u>any</u> exotic vegetation would contravene Condition 9 of Rule 5.163 as amended and therefore becomes a non-complying activity. This is overly onerous, particularly where the clearance is of exotic species or of a small area. Fulton Hogan seek that reference to condition 9 in this rule is deleted and covered as a restricted discretionary activity under Rule 5.164.	<p>Amend Rule 5.165:</p> <p><i>The introduction or planting of any plant, or the removal and disturbance of existing vegetation in, on or under the bed of a lake or river <u>and any associated discharge of sediment or sediment-laden water that does not comply with conditions 2 or 9</u> of Rule 5.163 is a non-complying activity.</i></p>
13	Rule 5.167	Oppose in part	<p>The proposed amendment to condition 4 relates to activities undertaken in inanga spawning habitat during the inanga spawning season. Due to the uncertainties surrounding the mapping of these sites outlined previously, this addition is opposed.</p> <p>Activities involving the clearance of <u>any</u> exotic vegetation would contravene Condition 6 of Rule 5.167 as amended. Page 45 of the section 32 references limiting the removal of woody vegetation or indigenous biodiversity from the bed of a river to protect indigenous biodiversity as the outcome sought from including the new policy 4.85A and conditions in rules 5.163, 5.167 and 5.168.</p> <p>Woody vegetation is an ambiguous term and therefore Fulton Hogan proposes that the condition only refer to indigenous vegetation.</p>	<p>Amend Rule 5.167:</p> <p>[...]</p> <p><i>4. The vegetation clearance does not occur adjacent to a salmon or inanga spawning site listed in Schedule 17, <u>or undertaken in any inanga spawning habitat during the period of 1 January to 1 June inclusive; and;</u></i></p> <p>[...]</p> <p><i>6. From 5 September 2015, and within the bed of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and the Waitaki rivers the vegetation clearance of indigenous vegetation does not result in a reduction in the area or diversity of existing riparian vegetation, unless the earthworks have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 5 above are also met.</i></p>

Sub #	The provisions of the Proposed Variation that Fulton Hogan's submission relates to are:	Fulton Hogan's submission is that:		Fulton Hogan seeks the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
14	Rule 5.168	Oppose in part	<p>The proposed amendment to condition 3 relates to activities undertaken in inanga spawning habitat during the inanga spawning season. Due to the uncertainties surrounding the mapping of these sites outlined previously, this addition is opposed.</p> <p>Activities involving the clearance of <u>any</u> exotic vegetation would contravene Condition 5 of Rule 5.168 as amended. Page 45 of the section 32 references limiting the removal of woody vegetation or indigenous biodiversity from the bed of a river to protect indigenous biodiversity as the outcome sought from including the new policy 4.85A and conditions in rules 5.163, 5.167 and 5.168.</p> <p>Woody vegetation is an ambiguous term and therefore Fulton Hogan proposes that the condition only refer to indigenous vegetation.</p>	<p>Amend Rule 5.168:</p> <p>[...]</p> <p><i>3. The activity does not occur adjacent to a significant spawning reach for salmon or an inanga spawning site area listed in Schedule 17; or undertaken in any inanga spawning habitat during the period of 1 January to 1 June inclusive; and</i></p> <p>[...]</p> <p><i>5. From 5 September 2015, and within the bed of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and the Waitaki rivers the vegetation clearance of indigenous vegetation does not result in a reduction in the area or diversity of existing riparian vegetation, unless the earthworks have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 4 above are also met.</i></p>