

From: [Georgina Hamilton](#)
To: [Mailroom Mailbox](#)
Cc: [Mark Dineen](#)
Subject: Plan Change 4 to the Canterbury Land and Water Regional Plan - submission by Malmar Farms Limited
Date: Monday, 12 October 2015 4:04:28 p.m.
Attachments: [tplogo2f31f5](#)
[GCH-126696-1-37-1 Malmar Farms Limited submission on PC4 to the CLWRP.pdf](#)

Dear Sir/Madam

We act for Malmar Farms Limited.

We **enclose** for filing a submission by our client on proposed Plan Change 4 to the partially operative Canterbury Land and Water Regional Plan.

Kind regards,

Georgina Hamilton | Associate



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and Partners**

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**SUBMISSION ON PLAN CHANGE 4 (OMNIBUS) TO THE PARTIALLY OPERATIVE CANTERBURY
LAND AND WATER REGIONAL PLAN**

Clause 6 First Schedule, Resource Management Act 1991

TO: Environment Canterbury
Freepost 1201
Plan Change 4 to the Canterbury Land and Water Regional Plan
PO Box 345
Christchurch 8140

By email: mailroom@ecan.govt.nz

Name of Submitter:

1 Malmar Farms Limited (**Submitter**)

Address: c/- Tavendale and Partners Limited
PO Box 442
Christchurch 8140

Contact: Mark Dineen

Email: mark.dineen@tp.co.nz

Trade Competition Statement:

2 The Submitter could not gain an advantage in trade competition through this submission.

Proposal this submission is on:

3 This submission is on proposed Plan Change 4 to the partially Operative Canterbury Land and Water Regional Plan (**Plan Change**).

The specific provisions of the Plan Change that this submission relates to:

4 The specific provisions of Plan Change that this submission relates to are:

4.1 Proposed new Rule 5.68A (Stock Exclusion).

Submission

5 Overall, the Submitter **opposes** the aspects of the Proposal referred to above at paragraph 4 as it considers they:

5.1 would not promote the sustainable management of the Canterbury Region's resources;

- 5.2 would not enable the social and economic well-being of the rural communities of the Canterbury Region;
- 5.3 would not enable the efficient use and development of the Submitter's assets and the resources which those assets are dependent on;
- 5.4 do not represent the most appropriate plan provisions in terms of section 32 of the Resource Management Act 1991 (**RMA**); and
- 5.5 would otherwise be contrary to the RMA, particularly Part 2.
- 6 Without limiting the generality of the foregoing, the Submitter's specific concerns together with a summary of the decisions it seeks from Environment Canterbury are set out in **Annexure A** attached to this submission.

Decisions Sought by Submitter:

- 7 The Submitter seeks the following decisions from Environment Canterbury:
- 7.1 that the decisions sought in **Annexure A** to this submission be accepted; and
- 7.2 such alternative and/or consequential amendments required to address the concerns raised in this submission.

Wish to be Heard:

- 8 The Submitter wishes to be heard in support of this submission.
- 9 The Submitter would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



Malmar Farms Limited

By its solicitors and authorised agents
Tavendale and Partners Limited: M Dineen

Date: 12 October 2015

ANNEXURE A – DECISIONS SOUGHT BY MALMAR FARM LIMITED

Specific Provision of Plan Change that Submission Relates To		Submission		Decisions Sought
Section & Page Number	Sub-section/Point	Oppose/support	Reasons	
5-4	New Rule 5.68A (Stock Exclusion)	Oppose	<p>The Section 32 Report for the Plan Change indicates that the intention of proposed Rule 5.68A is to provide certainty regarding the outer limits of the bed of a braided river for the purpose of the stock exclusion rules.¹</p> <p>Proposed Rule 5.68A fails to achieve this outcome. The wording of proposed clause (2) of Rule 5.68A(1), in particular, is inherently uncertain and is likely to pose significant difficulties in terms of plan implementation and enforcement.</p> <p>The Regional Council has failed to carry out its statutory obligations under section 32 of the RMA as no analysis of proposed Rule 5.68A against the mandatory section 32 RMA criteria has been carried out. In particular there is no comparative analysis of the proposed Rule against the status quo, in terms of the benefits and costs, and matters of efficiency and effectiveness.</p> <p>As drafted, proposed Rule 5.68A would have potentially significant adverse consequences for the on-going legitimate use of freehold land (including accreted land) and existing investment.</p>	Proposed Rule 5.68A be deleted.

¹ Page 14.