

From: [Bridgette Malcon](#)
To: [Mailroom Mailbox](#)
Cc: [Ben](#); [Gavin Kemble](#)
Subject: Rangitata Diversion Race Management Limited - Further Submissions to proposed Plan Change 4 of the partially operative Canterbury Land and Water Regional Plan
Date: Tuesday, 17 November 2015 12:11:42 p.m.
Attachments: [RDRML Further Submissions to Proposed Plan Change 4 to the partially operative CL&WRP PDF.pdf ATT00001.htm](#)
[RDRML Further Submissions to Proposed Plan Change 4 to the partially operative CL&WRP PDF.2.pdf ATT00002.htm](#)
[ATT00003.htm](#)

Good afternoon,

Attached are Rangitata Diversion Race Management Limited's further submissions to proposed Plan Change 4 to the partially operative Canterbury Land and Water Regional Plan.

We can confirm that notice is to be served on the original submitters.

It would be appreciated if receipt of this further submission is acknowledged at your earliest convenience.

Thank you and kind regards

Bridgette.



Rangitata Diversion Race Management Limited

FURTHER SUBMISSIONS TO PROPOSED PLAN CHANGE 4 ('OMNIBUS') TO THE PARTIALLY OPERATIVE CANTEBURY LAND AND WATER REGIONAL PLAN

TO: Submission on proposed Plan Change 4 to the partially operative Canterbury Land and Water Regional Plan

Canterbury Regional Council
PO Box 345
CHRISTCHURCH 8140
By Email: mailroom@ecan.govt.nz

FURTHER SUBMISSION ON: Proposed Plan Change 4 ('Omnibus') ('PC4') to the partially operative Canterbury Land and Water Regional Plan ('oLWRP')

NAME OF FURTHER SUBMITTER: Rangitata Diversion Race Management Limited ('RDRML')

ADDRESS FOR SERVICE: **Rangitata Diversion Race Management Limited**
C/o Ryder Consulting Limited
PO Box 13009
TAURANGA
Attention: Mr Gavin Kemble

CONTACT via PHONE: (07) 571 8289 or 0274 377 613

CONTACT via EMAIL: g.kemble@ryderconsulting.co.nz

INTRODUCTION

RDRML made submissions to PC4 in September of 2015. RDRML's submissions covered a range of topics relating to the Company's interests in Canterbury. That information is not re-stated here.

RDRML has an interest in the various provisions of, and submissions to PC4 that is greater than that of the general public.

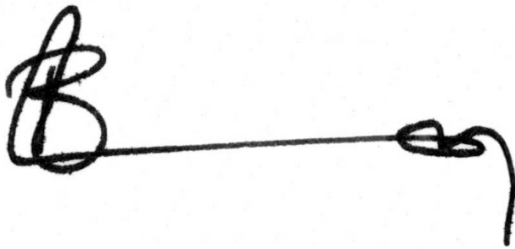
RDRML wishes to be heard in support of its submissions **and** further submissions. If others make a similar submission RDRML would consider presenting a joint case with them at any hearing.

RDRML cannot gain an advantage in trade competition through these further submissions.

RDRML's further submissions and the reasons for the same are set out within the following table, entitled 'Further Submissions to PC4.'

Yours faithfully

Rangitata Diversion Race Management Limited

A handwritten signature in black ink, consisting of a large, stylized initial 'B' followed by a long horizontal line that ends in a small loop.

Benedict Curry
Chief Executive Officer

16th of November 2015

FURTHER SUBMISSIONS TO PC4

Submitter Name	Submission Number	Relevant Provision / Submission Point	Support or Oppose	Reasons	Relief Sought By RDRML
Transpower New Zealand Limited	PC4 LWRP-157	The proposed amendments to the definition of 'Vegetation Clearance' .	Support	<p>The reasons for RDRML's support include:</p> <p>Transpower correctly, in our opinion, states that the definition of the term 'vegetation clearance' should be extended to make it plain that all associated discharges of sediment or sediment laden water are a part of vegetation clearance, and are not a separate activity that requires an independent assessment.</p> <p>This approach is broadly consistent with the changes that are advanced elsewhere within PC4, and accord with the broad thrust of RDRML's principal submissions to the same.</p>	That the Canterbury Regional Council ('CRC') accepts the relief sought by the submitter.
Royal Forest & Bird Protection Society	PC4 LWRP-272	The proposed amendments to the definition of 'High Naturalness Waterbodies' to include waterbodies that are subject to Water Conservation Orders.	Oppose	<p>The reasons for RDRML's opposition include:</p> <p>We accept that the existence of water conservation orders means that a watercourse / waterbody has been found to support values of note. That does not, however, automatically justify the imposition of the directive approach that is advanced by provisions such as Policy 4.6 and Rule 5.163(6) of the oLWRP (both Policy 4.6 and Rule 5.163(6) apply to the listed high naturalness waterbodies) to those watercourses / waterbodies. This is particularly the case where the water conservation order (such as the Rangitata Water Conservation Order) provides a framework for managing activities, such as the diversion and/or abstraction of water.</p>	That the CRC rejects the relief sought by the submitter.
North Canterbury Fish & Game Council	PC4 LWRP-560	The proposed amendments to the definition of 'High Naturalness Waterbodies' to include waterbodies that are subject to Water Conservation Orders.	Oppose	<p>The reasons for RDRML's opposition include:</p> <p>We accept that the existence of water conservation orders means that a watercourse / waterbody has been found to support values of note. That does not, however, automatically justify the imposition of the directive approach that is advanced by provisions such as Policy 4.6 and Rule 5.163(6) of the oLWRP (both Policy 4.6 and Rule 5.163(6) apply to the listed high naturalness waterbodies) to those watercourses / waterbodies. This is particularly the case where the water conservation order (such as the Rangitata Water Conservation Order) provides a framework for managing activities, such as the diversion and/or abstraction of water.</p>	That the CRC rejects the relief sought by the submitter.

Submitter Name	Submission Number	Relevant Provision / Submission Point	Support or Oppose	Reasons	Relief Sought By RDRML
Whitewater New Zealand (Inc) & others	PC4 LWRP-169	The proposed insertion of new Policy 4.86C.	Oppose	<p>The reasons for RDRML's opposition include:</p> <p>The submitter is seeking to introduce a new policy to replicate, in a large part, the direction that is already advanced by Limb (c) of Policy 4.86 and Policy 4.88 of the oLWRP.</p> <p>We question if this additional policy is needed to give effect to the 'higher order' planning instruments, including the Canterbury Water Management Strategy, and to the purpose of the Resource Management Act 1991 ('the Act').</p>	That the CRC rejects the relief sought by the submitter.
Z Energy Limited & others	PC4 LWRP-421	The amendments sought to Policy 4.76A.	Support	<p>The reasons for RDRML's support include:</p> <p>It is both reasonable and practicable to expect that water resulting from dewatering activities will be lost to ground, either by design (via mechanisms such as infiltration galleries / pits / trenches) or during the sediment treatment / settlement process. It follows that it is appropriate for Policy 4.76A to contemplate and provide for such discharges, and to ensure that they are appropriately managed.</p> <p>Further, it is also appropriate that the 'minimisation' of adverse effects be encouraged to the extent that is practicable. Such an approach will, as the submitter suggests, enable the Council / Court to impose minimisation technologies that are both realistic and accord with the magnitude of the adverse effects that any dewatering discharge could / will generate.</p>	That the CRC accepts the relief sought by the submitter.
North Canterbury Fish & Game Council	PC4 LWRP-477	The amendments sought to Policy 4.92A.	Support	<p>The reason's for RDRML's support include:</p> <p>It is entirely inappropriate to focus catchment restoration activities on the removal of nuisance macrophytes, rather than macrophytes in general.</p>	That the CRC accepts the relief sought by the submitter.
Trustpower Limited	PC4 LWRP-80	The amendments sought to Rule 5.94A.	Support	<p>The reason's for RDRML's support include:</p> <p>We agree with the submitter that the inclusion, in Rule 5.94A, of a maximum area of land disturbance outside of the High Soil Erosion Risk area is unnecessary given the remaining limbs of this rule. It follows that we also agree that Limb (1(2)) of Rule 5.94A is unnecessary and thus should be deleted.</p>	That the CRC accepts the relief sought by the submitter.

Submitter Name	Submission Number	Relevant Provision / Submission Point	Support or Oppose	Reasons	Relief Sought By RDRML
Director General of Conservation	PC4 LWRP-589	The proposed amendments to Limb (2) of Rule 5.123.	Support	<p>The reasons for RDRML's opposition include:</p> <p>We question if the change sought by the submitter is within the scope of PC4, given that it is seeking the amendment of a part of Rule 5.123 that was not amended by PC4.</p> <p>The broad contentions offered by the Submitter to justify the changes sought are neither supported by compelling scientific evidence, nor balanced by all of the considerations that form part of the Act's sustainable management purpose. We question, on the basis of the argument advanced by the submitter, if the conclusions drawn in relation to Objective A1 of the National Policy Statement for Freshwater Management 2014, and Objective 7.2.1 and Policy 7.3.4 of the Canterbury Regional Policy Statement 2013 can be substantiated for all watercourses that are regulated by Limb (2) of Rule 5.123.</p>	That the CRC rejects the relief sought by the submitter.
Whitewater New Zealand (Inc) & others	PC4 LWRP-173 PC4 LWRP-177 PC4 LWRP-178 PC4 LWRP-179 PC4 LWRP-180 PC4 LWRP-182 PC4 LWRP-183	The proposed amendments to rules 5.148, 5.151, 5.152, 5.154, 5.155, 5.167 and 5.168, and the proposed insertion of a new Schedule 24 into Section 16 of the oLWRP.	Oppose	<p>The reasons for RDRML's opposition include:</p> <p>We question if the insertion of a new Schedule, (Schedule 24) is within the scope of PC4. In that regard, the submitter is seeking to introduce a schedule that has no relevance to the amendments that are advanced by PC4. Further, we note that no material was supplied by the submitter to support / justify the inclusion of all of the locations listed in proposed Schedule 24.</p> <p>Further we question if the amendment to Limb (2(F)) of Rule 5.154 is within scope, given that PC4 does not seek to change this part of the Rule.</p> <p>Further still, we question if the proposed amendment to Limb (2) of Rule 5.155 is within scope, given that PC4 does not seek to change this part of the Rule.</p> <p>Lastly, we question if the amendments sought to rules 5.148, 5.151, 5.152, 5.154, 5.155, 5.167 and 5.168 are needed to achieve the sustainable management purpose of the Act. In that regard, we expect that the various standards imposed on rules 5.148, 5.151, 5.152, 5.154, 5.167 and 5.168 will be sufficient to ensure that recreation is not unacceptably effected. Further, we expect that the processing of a resource consent application for a discretionary activity (under Rule 5.155) will enable any unacceptably adverse recreation effect(s) to either be avoided, remedied or mitigated, or for the proposal to be prevented</p>	That the CRC rejects the relief sought by the submitter.

Submitter Name	Submission Number	Relevant Provision / Submission Point	Support or Oppose	Reasons	Relief Sought By RDRML
	PC4 LWRP-186			from occurring.	
Director General of Conservation	PC4 LWRP-593	The proposed amendments to Rule 5.148.	Oppose	<p>The reasons for RDRML’s opposition include:</p> <p>We question if the changes sought by the submitter are within the scope of PC4, given that it is seeking the amendment of three parts (limbs (4), (5) & (10)) of Rule 5.148 that was not amended by PC4.</p> <p>While accepting the importance of avifauna, and the need to respect breeding populations of indigenous bird species, we question if the amendment sought by the submitter is needed to achieve the Act’s sustainable management purpose, and will achieve the outcome that its submission seeks.</p> <p>Unless the Submitter has clear and compelling evidence that approach set out within Rule 5.148 is not achieving its intended outcome (which is not conveyed in its submission) we question the need for the change sought.</p>	That the CRC rejects the relief sought by the submitter.
Director General of Conservation	PC4 LWRP-595 PC4 LWRP-596 PC4 LWRP-597	The proposed amendment to rules 5.164, 5.165 and 5.166.	Oppose	<p>The reasons for RDRML’s opposition include:</p> <p>We acknowledge, and thus do not oppose, the submitter’s suggested amendment to Rule 5.163. In that regard, it is appropriate that the written permission of the person or agency responsible for the management of the effected reach of riverbed is obtained before a permitted activity is undertaken.</p> <p>We are concerned, however, with the suggestion that the same standard apply to a restricted discretionary activity (Rule 5.164) and a non-complying activity (Rule 5.165). In this regard, we see consider such an amendment to have no substantive basis, or resource management purpose.</p> <p>This is particularly the case for Rule 5.164 given the matter for which discretion has been retained, which will require any applicant to confirm, or otherwise, that the written permission of the applicable management agency or person has been obtained. If such permission has not been forthcoming, our experience suggests that the applicable agency or person will be notified, via either a limited notification or public notification process,</p>	That the CRC rejects the relief sought by the submitter.

Submitter Name	Submission Number	Relevant Provision / Submission Point	Support or Oppose	Reasons	Relief Sought By RDRML
				<p>thereby enabling them to be involved as the application advances.</p> <p>We also note that Rule 5.166 prescribes a prohibited activity. We see no planning or resource management basis for a condition to be imposed on a provision that prevents a resource consent being sought.</p> <p>Lastly, we question if the change sought by the submitter is within the scope of PC4, insofar that it is seeking the amendment of parts of rules 5.164, 5.165 and 5.166 that were not amended by PC4.</p>	
Genesis Energy Limited	PC4 LWRP-26	The proposed amendment to Rule 5.167.	Support	<p>The reasons for RDRML's support include:</p> <p>Given the importance of network utilities to the social and economic wellbeing and health and safety of people and communities is it appropriate, in our opinion, that their operation, maintenance and report be exempt from the restrictions imposed by Limb (6) of Rule 5.167.</p>	That the CRC accepts the relief sought by the submitter.
Hurunui Water Project Limited	PC4 LWRP-236 PC4 LWRP-237	The proposed amendments to Limb (6) of Rule 5.167 and Limb (5) of Rule 5.168.	Support (in part)	<p>The reasons for RDRML's support (in part) include:</p> <p>Given the importance of community irrigation schemes and hydroelectric power generation to the social and economic wellbeing and health and safety of people and communities is it appropriate, in our opinion, that their operation, maintenance and upgrading be exempt from the restrictions imposed by Limb (6) of Rule 5.167 and Limb (5) of Rule 5.168.</p> <p>We note that RDRML neither supports nor opposes the submitters proposed deletion of Limb (6) from Rule 5.167 or Limb 5 from Rule 5.168, or the amendment of both limbs so that they refer to 'significant indigenous vegetation'.</p>	That the CRC accepts the relief sought by the submitter, insofar as it exempts community based irrigation schemes and hydroelectric power generation from Limb (6) of Rule 5.167 and Limb (5) of Rule 5.168.
Jane Demeter	PC4 LWRP-393 PC4 LWRP-	The proposed amendments to rules 5.167, 5.168, 5.170, 5.171 & 5.174.	Oppose (in part)	<p>The reasons for RDRML's opposition (in part) include:</p> <p>It is inappropriate to preclude, as the submitter seeks, the removal of any vegetation from areas of significant indigenous vegetation. It could be that weed control in such areas is</p>	That the CRC rejects the relief sought by the submitter, as it relates to the

Submitter Name	Submission Number	Relevant Provision / Submission Point	Support or Oppose	Reasons	Relief Sought By RDRML
	<p>394</p> <p>PC4 LWRP-395</p> <p>PC4 LWRP-396</p> <p>PC4 LWRP-397</p>			<p>needed to maintain and enhance their functioning, and to protect their on-going existence. Equally, our experience is that indigenous vegetation can be cleared from areas of significant indigenous vegetation without causing adverse environmental effects that are minor or greater.</p> <p>Further the proposed approach does not acknowledge that there are some instances where significant indigenous vegetation needs to be removed to enable the purpose of the Act to be achieved. The establishment, maintenance, upgrade or repair of regionally and/or nationally significant infrastructure is a case in point.</p> <p>As a consequence, we question if the relief sought by the submitter accords with the sustainable management purpose of the Act, as informed by section 6(c) of the Act.</p> <p>We also note that rules 5.171 and 5.174 establish discretionary, rather than permitted activities. While accepting that discretionary activities can be made subject to standards, we question the need and this appropriateness of doing so in this instance. In that regard, the very nature of the discretionary activity rules proposed enables the Council / Environment Court to consider all actual and potential effects of a proposal and, having done so, determine the nature of any avoidance, mitigation or remediation measures that need to apply, and, indeed, if the resource consent application can be granted or declined.</p> <p>We note, for completeness, that RDRML neither supports nor opposes the proposed imposition of a 100 metre set back from nesting indigenous 'river-bird' species. We note that such an approach is consistent to the standards employed elsewhere in the oLWRP (refer, for instance, to Limb (10) of Rule 5.148). We question, however, if it is appropriate to apply a blanket set back from the nests of all river-bird species. It would seem more appropriate, in our opinion, for such a restriction to apply to indigenous riverbed bird species only.</p> <p>If a blanket setback is to be imposed, it should not apply to all species of nesting birds because this would include both native and introduced birds, including some pest species. That is neither required nor practicable to achieve the purpose of RMA. In our opinion the setback should apply only to indigenous species that are classified as 'threatened' or 'at risk' in the current New Zealand Threat Classification list for birds, or subsequent updates,</p>	<p>proposed imposition of a 'blanket restriction' to vegetation removal from areas of significant indigenous vegetation.</p>

Submitter Name	Submission Number	Relevant Provision / Submission Point	Support or Oppose	Reasons	Relief Sought By RDRML
				and that are nesting on open gravel riverbed.	
Te Runanga o Kaikorua & others	PC4 LWRP-301	The proposed amendments to Schedule 17.	Oppose	<p>The reasons for RDRML's opposition (in part) include:</p> <p>We accept the need to protect New Zealand's indigenous freshwater fish species, and have no objection to the submitter's list of specific additional habitats being incorporated into Schedule 17 and the applicable planning maps.</p> <p>We are, however, concerned about, and thus do not support the submitters request for all 'areas upstream of the coast on all surface waterways' to be included in Schedule 17, and/or in the relevant definition of the oLWRP.</p> <p>Such an approach has not, in our opinion, been justified by the submitter and, due to its very broad nature, creates considerable uncertainty for those with an interest in the Region's surface water bodies and courses. We question, therefore, if this aspect of the submitter's requested relief accords with good planning and resource management practice, and is needed to achieve the Act's sustainable management purpose.</p>	That the CRC rejects the relief sought by the submitter, as it relates to the inclusion, within the definitions of the oLWRP and/or Schedule 17, of 'areas upstream of the coast on all surface waterways'.