**Submission on Plan Change 7 to the Canterbury Land and Water Regional Plan**

By **Road Metals Company Limited**

Submitter Identification number: **PC7-480**

Wishes to be heard: **Yes**

Would consider making a joint submission at the hearing: **Yes**

Submitted on: **12/09/2019**

This submission was submitted via Environment Canterbury's online submission portal. The Submissions portal generates pdf files of submissions (as attached). However, some of the information that appears in the pdf files is not consistent with information the submitter entered into the portal, specifically, where submitters have ticked:

- "I wish to be heard in support of my submission" ; and
- "If others make a similar submission I will consider presenting a joint case with them at a hearing".

Additionally, the submissions portal has generated submitter and submission point numbers that are not consistent with the numbering applied in the Summary of Decisions Requested. Submission points in the Summary of Decisions Requested (SODR) are numbered using the following format:

PC7 – Submitter ID #.Submission point #

**The correct submitter identification number and submitter information is specified above. This will be the number referred to in the SODR.**

# Proposed Plan Change 7 to the Land and Water Regional Plan

## Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

***Clause 6 of Schedule 1, Resource Management Act 1991***

**To** Environment Canterbury - Tavisha Fernando
Date received 12/09/2019 9:06:22 AM
Submission #81

**Address for service:**
Road Metals Company Limited - Jonny Francis / 81
PO Box 2341 Christchurch
Phone: 021 350 777
Mobile: 021 350 777
Email: Jonny@roadmetals.co.nz
Wishes to be heard? No
Is willing to present a joint case? No

**Proposed Plan Change 7 has been developed to respond to emerging resource management issues, to give effect to relevant national direction, to implement recommendations from the Hinds Drains' Working Party, and to implement recommendations in the Waimakariri and Orari-Temuka-Opihi-Pareora (OTOP) Zone Implementation Programme Addenda (ZIPA).**

- Could you gain an advantage in trade competition in making this submission?
  - No
- Are you directly affected by an effect of the subject matter of the submission that
  (a) adversely affects the environment; and
  (b) does not relate to trade competition or the effects of trade competition
  - Yes

## Submission points

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**Point 81.1**

**Submission**

The proposed amendments should allow for site specific data, where it is available, obtained over a period of say 5 years to be used as the highest recorded groundwater levels. Otherwise there is the potential for outdated information from sites not in the vicinity to be used to set inappropriately high levels resulting in very shallow depths for quarrying. This has significant implications for economic and social wellbeing and without amendment fails to achieve Part 2 of the RMA. Sometimes this data may only have been obtained post the establishment of a quarry or other activity, and this data should be able to be used to increase depths in the future if it is demonstrated groundwater is lower than less relevant information sources suggest.

**Relief sought**

Amend the provision to give effect to the submission point. Possible wording is set out below.

Highest groundwater level means the single highest elevation to which groundwater has historically risen that can be reasonably inferred for the site, based on appropriate ~~available~~ hydrogeological and topographic information. Site specific monitoring results obtained by an applicant over a period of 5 years may be used to set this level if available.

**Section:** Section 2 How the Plan Works & Definitions
**Sub-section:** 2.9 Definitions, Translations and Abbreviations
**Provision**

| | |
|---|---|
| Highest groundwater level | means the single highest elevation to which groundwater has historically risen that can be reasonably inferred for the site, based on all available hydrogeological and topographic information. |

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**Point 81.2**

**Submission**

The inclusion of the associated discharge of contaminants is supported.

The other amendments are opposed. A rehabilitation plan is not an appropriate requirement of the LWRP. This and the other amendments to the rule fail to meet Part 2 of the RMA and are not effects based amendments.

**Relief sought**

Amend the provision in accordance with the submission point.

**Section:** Section 5 Region-wide Rules
**Sub-section:** Section 5 Region-wide Rules
**Provision**
5.177

**The use of land for the deposition of more than 50 $m^3$ of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5 m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the ~~seasonal high water table~~highest groundwater level is less than 5 m below the deepest point in the excavation, and the associated discharge of contaminants onto or into land where it may enter water, is a controlled activity, provided the following conditions are met:**

1. The material is only cleanfill; and
2. The volume of vegetative matter in any cubic metre of material deposited does not exceed 3%; and
3. The material is ~~not deposited into groundwater~~ placed in the land at least 1 m above the highest groundwater level at the site; and
4. ~~Any cured asphalt deposited is placed in the land at least 1 m above the highest groundwater level expected at the site~~The material is not concrete slurry, coal tar or hydro-excavated waste; and
5. The material is not deposited onto or into land that is listed as an archaeological site; and
6. A management plan has been prepared in accordance with Section 8.1 and Appendix B of "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002; and
7. A site rehabilitation plan has been prepared for the site and is submitted with the application for resource consent.

***The CRC reserves control over the following matters:***

1. The potential for adverse effects on the quality of water in aquifers, rivers, lakes, wetlands and mitigation measures; and
2. The content and adequacy of the management plan prepared in accordance with Section 8.1 and Appendix B of "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002; and
3. The content and adequacy of the site rehabilitation plan to address any adverse effects after the deposition of material is completed.

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**Point 81.3**

**Submission**

The inclusion of the associated discharge of contaminants is supported.

All other amendments to the rule are opposed. The other amendments fail to meet Part 2 of the RMA and are not effects based.

**Relief sought**

Amend the provision in accordance with the submission point.

**Section:** Section 5 Region-wide Rules
**Sub-section:** Section 5 Region-wide Rules
**Provision**
5.178

**The use of land for the deposition of more than 50 $m^3$ of material in any consecutive 12 month period onto land which is excavated to a depth in excess of 5 m below the natural land surface and is located over an unconfined or semi-confined aquifer, where the ~~seasonal high water table~~highest groundwater level is less than 5 m below the deepest point in the excavation, and the associated discharge of contaminants onto or into land where it may enter**

**water, that does not comply with the conditions of Rule 5.177 is a restricted discretionary activity**.

***The CRC will restrict its discretion to the following matters:***

1. The potential for adverse effects on the quality of water in aquifers, rivers, lakes, wetlands and mitigation measures; and
2. The proportion of any material other than cleanfill and its potential to cause contamination; and
3. The content and adequacy of the management plan prepared in accordance with Section 8.1 and Appendix B of "A Guide to the Management of Cleanfills", Ministry for the Environment, January 2002.; and
4. Methods for reinstatement of the site following completion of the activity
5. The content and adequacy of the site rehabilitation plan if submitted with the application for resource consent; and
6. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.

| | |
|---|---|
| **From:** | Bligh, Kevin |
| **To:** | Mailroom Mailbox |
| **Cc:** | jonny@roadmetals.co.nz |
| **Subject:** | Plan Change 7 to the LWRP Submission |
| **Date:** | Friday, 13 September 2019 4:33:26 PM |
| **Attachments:** | Attachment A.docx<br>Form5forPC7totheLWRP (1).pdf |

Hello

Please find attached a submission on Proposed Plan Change 7 to the LWRP.

We tried to lodge a submission via the online portal this morning but no confirmation was received and have therefore prepared this attached.

Can you please confirm receipt.

Kind regards

**Kevin Bligh (BRS, MRP (Hons), MNZPI, IAP2)**
*Auckland Manager*

Golder Associates (NZ) Limited
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LinkedIn | Facebook | Twitter

**Work Safe, Home Safe**

**FOR OFFICE USE ONLY**

Submitter ID:

File No:

# Submission on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

**Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 5 of Schedule 1 of the Resource Management Act 1991**

**Return your signed submission by 5.00pm Friday 13 September 2019 to:**

Proposed Plan Change 7 to the Land and Water Regional Plan
Environment Canterbury
P O Box 345
Christchurch 8140

**Full Name:** _____ **Phone (Hm):** _____

**Organisation*:** Road Metals Company Limited **Phone (Wk):** _____
* the organisation that this submission is made on behalf of

**Postal Address:** PO Box 2341 Christchurch **Phone (Cell):** 021 350 777

**Postcode:** 8014

**Email:** jonny@roadmetals.co.nz

**Fax: Contact name and postal address for service of person making submission** (if different from above):

**Kevin Bligh, Golder Associates, PO Box 33-849, Takapuna, Auckland, kbligh@golder.co.nz**

**Trade Competition**

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

**Please tick the sentence that applies to you:**

☒ I could not gain an advantage in trade competition through this submission; or
☐ I could gain an advantage in trade competition through this submission.

***If you have ticked this box please select one of the following:***

☐ I am directly affected by an effect of the subject matter of the submission
☐ I am not directly affected by an effect of the subject matter of the submission

**Signature:** _____ **Date:** 13/9/2019

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:
(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

☐ I do not wish to be heard in support of my submission; or
☒ I do wish to be heard in support of my submission; and if so,
☒ I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

| **(1)** The specific provisions of the Proposed Plan that my submission relates to are: | | **(2)** My submission is that:<br><br>*(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.)* | | **(3)** I seek the following decisions from Environment Canterbury:<br><br>*(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)* |
|---|---|---|---|---|
| Section & Page Number | Sub-section/ Point | Oppose/support (in part or full) | Reasons | |
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**Add further pages as required – please initial any additional pages.**

| | *The provisions of PC7 that Road Metals submission relates to are:* | *The submission is that:* | | *Road Metals seek the following decisions from Environment Canterbury:* |
|---|---|---|---|---|
| **Definitions** | | | | |
| 1. | Highest groundwater level | Oppose | The definition proposed is as follows:<br><br>*means the single highest elevation to which groundwater has historically risen that can be reasonably inferred for the site, based on all available hydrogeological and topographic information.*<br><br>ECan staff have often sought to use conservative data, which is often from decades old, and obtained from sites far away from the site in question when trying to establish such levels.<br>The definition requires amendment to reflect it should be relevant data and provision should be made that priority is given to site specific monitoring data if it exists for a period of say 5 years.<br>Failure to make these amendments could result in significant economic impacts for operations such as quarries through loss of resource and would not achieve Part 2 of the RMA. Referring to historic high levels which may no longer apply, does not necessarily promote sustainable management. | Amend the definition as follows or similar wording to this effect:<br><br>*means the single highest elevation to which groundwater has historically risen that can be reasonably inferred for the site, based on all relevant ~~available~~ hydrogeological and topographic information. Where site specific monitoring data over regular intervals exists for a period of 5 years or more, priority shall be given to this information in determining this level.*<br><br>It may also be appropriate to change the name of the definition. |
| 2. | Rules 5.177 and 5.178 | Support in part | The inclusions of the associated discharge of contaminants is supported for both rules, along with the controlled activity status (for 5.177).<br><br>All other amendments to these rules are opposed. It is not appropriate to require a rehabilitation management plan under the LWRP. The other amendments do not meet Part 2 of the RMA. | Delete all amendments other than the 'associated discharge of contaminants…' |