

From: [Tim Ensor](#)
To: [Mailroom Mailbox](#)
Cc: [EDWARDS, Stuart](#); [Don Chittock \(don.chittock@fultonhogan.com\)](#)
Subject: Plan Change 7 to the LWRP Submission
Date: Friday, 13 September 2019 4:34:34 PM
Attachments: [image001.png](#)
[image002.png](#)
[IMG360blue.png.png](#)
[Fulton Hogan Submission on Proposed PC7 \(Final 13_9_19\).pdf](#)

Kia ora

Please find attached a submission on PC7 on behalf of Fulton Hogan Limited.
Please get in touch if you have any questions.

Nga Mihi | Kind regards,

Tim Ensor | Principal Planner

BSc, BA(hons), PGDip Planning

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Level 3, PwC Centre, 60 Cashel Street, West End, Christchurch | PO Box 13055 Christchurch, New Zealand

T +6433610327 M +6421486203 www.tonkintaylor.co.nz  T+T profile

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Submission on Proposed Plan Change 7

To: Environment Canterbury
200 Tuam Street
Christchurch
PO Box 345
Christchurch 8140

Submitter: Fulton Hogan Limited.

This is a submission by Fulton Hogan Limited (Fulton Hogan) on the proposed Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (LWRP).

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

Fulton Hogan Limited

1. Fulton Hogan is one of New Zealand's largest roading and infrastructure construction companies. Within New Zealand, Fulton Hogan employs close to 4700 staff.
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.
3. Fulton Hogan undertakes numerous activities in Canterbury including:
 - 3.1 Gravel extraction, both within river beds and within land-based quarries/pits;
 - 3.2 Aggregate processing and storage;
 - 3.3 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 NZ Transport Agency, and local roads on behalf the territorial authority);
 - 3.4 Asphalt and bitumen manufacture and bulk storage;
 - 3.5 Pre-cast concrete manufacture and storage;
 - 3.6 Hazardous substance use, transport and storage; and

- 3.7 Workshops, transport depots, storage yards, staff offices, and supporting infrastructure (including wastewater, stormwater, and potable water).
4. Fulton Hogan wishes to ensure the regulatory regime under PC7 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.
5. 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

6. Fulton Hogan is concerned that Plan Change 7 introduces unnecessary specificity where existing provisions are already in place, and that the changes around works within the beds of rivers may have the unintended consequence of requiring resource consent for activities that that are unlikely to result in adverse effects.
7. In relation to this second point, Fulton Hogan is concerned that an integrated planning approach has not been followed when preparing PC7. Specifically the gravel extraction rules in the LWRP provide a tried and tested approach to the management of gravel extraction and its effects on flood protection infrastructure and riverbed morphology which is supported by Fulton Hogan. The introduction of relatively broad rules for temporary discharges to land where a contaminant may enter water means that resource consent would likely be required for any discharge from gravel processing activities to land where it may enter water; including groundwater which is not at risk from sediment discharges. This may be the only consent required for the activity as a whole and may limit the ability of Fulton Hogan to respond efficiently to contractual changes and supply requirement changes while waiting on a consent process for an activity with no real effect on groundwater quality.
8. The surrender of water on transfer is also of concern to Fulton Hogan given that water needs to be transferred from site to site to follow the gravel resource, and is often required to manage other potential environmental effects such as dust discharges. Losing 50% of the allocated volume on each transfer would quickly reduce the volume of water allocated to a point where any consent is of no use. Fulton Hogan raised this point in the hearings for the Selwyn / Te Waihora sub zone and wish to see consistency across the LWRP.
9. In order to ensure that PC7 promotes sustainable management and PC7 provides for the efficient use and development of natural resources, the following general relief is sought:
 - 9.1 An integrated planning approach is taken through PC7 to gravel extraction from rivers and associated activities;
 - 9.2 That PC7 does not create unintended consenting requirements by introducing a level of specificity into a rule where all relevant matters are addressed through more general statements; and
 - 9.3 That PC7 provides appropriate guidance to resource users and decision makers.

Specific submissions and relief sought

10. The specific submissions of Fulton Hogan and relief sought are contained in **Appendix A**. Where changes are proposed to provisions affected by PC7, any additions are shown by bolding and double underline, and any deletions are shown by bolding and strikeout.

Signed on behalf of
Fulton Hogan Limited



Dated 13/09/2019

Address for Service of Submitter:

c/- Tonkin & Taylor Limited
PO Box 13 055
Christchurch

Attn: Tim Ensor

Phone (021) 486 203
Email tensor@tonkintaylor.co.nz

Appendix A: Submissions

Sub #	The provisions of PC7 that The Fulton Hogan submission relates to are:	The Fulton Hogan submission is that: Oppose/ Support	Reasons	Fulton Hogan seek the following decisions from Environment Canterbury:
Definitions				
1.	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.	Oppose	The definition requires amendment to reflect it should be <u>relevant</u> data and provision should be made that priority is given to site specific monitoring data if it exists for a period of 5 years or more. This allows the data set to avoid historic anomalies or spikes in water level that may set an unreasonably high groundwater level. 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.	Amend definition of highest groundwater level. <i>means the single highest elevation to which groundwater has historically risen that can be reasonably inferred for the site, based on all <u>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.</u></i> It may also be appropriate to change the name of the definition.
Policies				
2.	Policy 4.47 Small-scale diversions of water within the beds of lakes, rivers or adjoining wetlands are provided for as part of: a. establishing, maintaining or repairing infrastructure; b. removing gravel or other earthworks <u>provided potential adverse effects on any person, their property, or the ecological, cultural, recreational or amenity values of the fresh waterbody are minimised</u> ; c. undertaking minor flood or erosion control or repair works and the diversion is occurring within the boundaries of a site or an individual's property and provided there are no potential adverse effects that are more than minimal on any other person, their property, or anyecological, cultural, recreational or amenity values of the fresh waterbody; d. emergency rural fire fighting purposes; or e. maintaining intakes for animal drinking water.	Oppose	The amendment to Policy 4.47 introduces unnecessary uncertainty by using the word 'minimised'. Minimisation of effects without a reference point provides limited guidance to consent applicants and decision makers. The LWRP contains water quality outcomes and it is unclear whether these need to be met or whether meeting some other measure (i.e. reducing effects to the smallest possible amount) is required.	Amend Policy 4.47 to remove the word 'minimised' and/or refer more specifically to the values that need to be considered when undertaking the activity.

Sub #	The provisions of PC7 that The Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
3.	<p>Policy 8.4.18</p> <p><u>Assist with phasing out over-allocation of freshwater resources in the Ashley River/Rakahuri, Taranaki Creek, Waikuku Stream, Saltwater Creek, Cust River, Cust Main Drain and Courtenay Stream Surface Water Allocation Zones by 2032, through implementing the region-wide Policy 4.50 to address over-allocation, and in addition:</u></p> <p>a. <u>Only granting a permit to transfer water from one site to another where the permit has been exercised and records of past use are provided which demonstrate the water to be transferred has been used in the preceding 5 years; and</u></p> <p>b. <u>Requiring, in over-allocated Surface Water Allocation Zones and except where the water is to be used for community supply or stock drinking water, that 50 percent of the water proposed to be transferred is surrendered and not re-allocated.</u></p>	Oppose in part	<p>Water is used by Fulton Hogan for gravel extraction and processing activities (such as gravel washing) and mitigation activities such as dust suppression. This water can be transferred from site to site as resources are exhausted or project demands require that aggregate is won or processed from a different location.</p> <p>Requiring that 50 percent of water transferred is surrendered will very quickly reduce the volume of water available for this use and may potentially create compliance issues and adverse effects elsewhere in the environment where this water is necessary for dust management.</p> <p>This issue was traversed through submissions and at the hearing for the Selwyn Te Waihora sub-region which resulted in the transfer of water for gravel extraction and ancillary activities having a separate rule without the requirement to surrender water.</p> <p>Fulton Hogan would like consistency across the LWRP and is seeking that this exemption is reflected in the Waimakariri sub-region.</p>	<p>Amend Policy 8.4.18 to include an exemption for gravel extraction and ancillary activities as follows:</p> <p><u>Assist with phasing out over-allocation of freshwater resources in the Ashley River/Rakahuri, Taranaki Creek, Waikuku Stream, Saltwater Creek, Cust River, Cust Main Drain and Courtenay Stream Surface Water Allocation Zones by 2032, through implementing the region-wide Policy 4.50 to address over-allocation, and in addition:</u></p> <p>a. <u>Only granting a permit to transfer water from one site to another where the permit has been exercised and records of past use are provided which demonstrate the water to be transferred has been used in the preceding 5 years; and</u></p> <p>b. <u>Requiring, in over-allocated Surface Water Allocation Zones and except where the water is to be used for community supply or stock drinking water or gravel extraction and ancillary activities, that 50 percent of the water proposed to be transferred is surrendered and not re-allocated.</u></p>
Rules				
4.	<p>Rules throughout PC7*:</p> <p><i>"... Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga."</i></p> <p>* Rules 5.9, 5.11, 5.13, 5.15, 5.17, 5.19, 5.26, 5.28, 5.36, 5.40, 5.110, 5.115, 5.117, 5.120, 5.126, 5.133, 5.148, 5.161, 5.176, 5.178, 5.180, 5.191, 8.5.18, and 14.5.12.</p>	Support in part	<p>It is appropriate to consider adverse effects on Ngāi Tahu values through the resource consent process for a range of activities. However, uncertainty regarding how such discretion is applied, especially in relation to expectations around engagement, and how these values are defined can create implementation issues.</p> <p>The challenge arises particularly in relation to smaller scale activities or activities that may result in a generally minor level of effect.</p>	Where possible, provide linkages to iwi management plans and other information relating to Ngāi Tahu values that might assist in guiding resource users and decision makers to better consider these values.
5.	<p>Rule 5.137</p> <p>The installation, alteration, extension, or removal of bridges and culverts, and including the associated excavation, disturbance and consequential deposition of substances on, in or under the bed of a lake or river, the excavation or other disturbance of the bed of a lake or river, and, in the case of culverts, the associated take, discharge or diversion of water is a permitted activity, provided the following conditions are met: [...]</p>	Support	The proposed amendments to the main body of the rule help to clarify the activities that are covered by the rule.	Retain the rule as notified.

Sub #	The provisions of PC7 that The Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
6.	Rule 5.140 and Rule 5.151	Oppose in part	<p>The majority of the changes to Rule 5.140 are supported. However, the 10 m culvert length may unnecessarily require resource consent where a slightly longer culvert length would allow Fulton Hogan to meet health and safety and practicality requirements (provide enough clear space either side of the vehicles used to cart gravel from the riverbed for example).</p> <p>Condition 3 and 5(b) effectively provide for fish passage therefore making the 10 m limit unnecessary.</p> <p>Requiring resource consent for a structure that will be in place for not more than four weeks based purely on the length of the culvert adds unnecessary cost and process where effects are being managed by other components of the rule. However it is acknowledged that a limit is appropriate to avoid issues that might arise from long culverts in areas with high flow velocities where fish passage may be harder to maintain. 14 m is proposed in this submission based on Fulton Hogan's vehicle crossing needs.</p>	<p>Amend Rule 5.140 and Rule 5.151 to provide for a culvert length of 14 m as a permitted activity.</p> <p>[...]</p> <ol style="list-style-type: none"> 1. The activity is not undertaken in a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the inanga spawning season of 1 March to 1 June inclusive, <u>or in any Indigenous Freshwater Species Habitat</u>; and 2. The temporary structure and diversion is in place for not more than 4 weeks in any 12 month period; and 3. <u>The activity does not prevent fish passage or result in the stranding of fish; and</u> 4. <u>Any diversion of water out of a river channel does not reduce the wetted width of that existing channel by more than 25% at any point; and</u> 5. <u>For any temporary culvert in a river:</u> <ol style="list-style-type: none"> a. <u>The maximum length of the culvert is 10m14 m; and</u> b. <u>The culvert is installed so that the base of the culvert is below bed level to an extent that a minimum of 25% of the internal width of the culvert is below the level of the bed of the river or is covered with water at the estimated 7DMALF; and</u> 6. <u>The activity is not in a river, lake or artificial watercourse managed for flood control or drainage purposes unless written permission has been obtained from the authority responsible for maintaining the flood and drainage carrying capacity of that water body or watercourse.</u>

Sub #	The provisions of PC7 that The Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
7.	<p>Rule 5.152</p> <p>Temporary discharges to water or to land in circumstances where a contaminant may enter water associated with undertaking activities in Rules 5.147 to 5.150, 5.151, or in relation to artificial watercourses are permitted activities, provided the following conditions are met:</p> <p>1. The discharge is only of sediment, organic material and water originating from within the bed of the lake or river <u>or artificial watercourse</u>;</p> <p>and</p> <p>2. The discharge is not undertaken in a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the inanga spawning season of 1 March to 1 June inclusive, <u>or in any Indigenous Freshwater Species Habitat</u>; and</p> <p>3. The discharge is not for more than ten hours in any 24-hour period, and not more than 40 hours in total in any calendar month <u>concentration of total suspended solids in the discharge, except within the first 4 hours of discharge, does not exceed:</u></p> <p>a. <u>50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or</u></p> <p>b. <u>100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case Schedule 5 visual clarity standards shall apply.</u></p>	Oppose	<p>Rule 5.149 provides for the extraction of gravel as a permitted activity so long as 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.</p> <p>This system has been very successful through the life of the LWRP to date and allows gravel extractors to have certainty of outcome and process while achieving the benefits of gravel extraction (both for the extractor and for flood management purposes).</p> <p>Fulton Hogan undertakes gravel processing activities in the beds of braided rivers around Canterbury. These processes include crushing, screening and washing of gravels which results in an associated discharge to land (the river berm or gravel beach where the processing equipment is located).</p> <p>The amended Rule 5.152 introduces more stringent sediment limits than the operative rule and Fulton Hogan's concern is that this may undermine the current efficient system of providing for gravel extraction without addressing any significant environmental effect.</p> <p>Rule 5.152 refers to the discharge to land where it may enter water and applies the water quality limits based on river type. The discharge from gravel washing to land (for example the river berm) is very unlikely to meet the sediment limits set out in the rule. However, there is also very little risk of this sediment laden discharge reaching the surface water body (the wash water will percolate to ground). Provided the discharge is to land and then to groundwater, this activity is very unlikely to result in an adverse effect.</p> <p>Given this rule is solely concerned with sediment contamination, the potential for adverse effects can be addressed through a direct reference to sediment discharges to water, or to land where sediment may enter surface water (as opposed to water generally).</p>	<p>Amend Rule 5.152 to focus the rule on sediment discharges to surface water as follows:</p> <p>Rule 5.152</p> <p>Temporary discharges to water or to land in circumstances where a contaminant may enter surface water associated with undertaking activities in Rules 5.147 to 5.150, 5.151, or in relation to artificial watercourses are permitted activities, provided the following conditions are met:</p> <p>1. The discharge is only of sediment, organic material and water originating from within the bed of the lake or river <u>or artificial watercourse</u>;</p> <p>and</p> <p>2. The discharge is not undertaken in a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the inanga spawning season of 1 March to 1 June inclusive, <u>or in any Indigenous Freshwater Species Habitat</u>; and</p> <p>3. The discharge is not for more than ten hours in any 24-hour period, and not more than 40 hours in total in any calendar month <u>concentration of total suspended solids in the discharge, except within the first 4 hours of discharge, does not exceed:</u></p> <p>a. <u>50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or</u></p> <p>b. <u>100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case Schedule 5 visual clarity standards shall apply.</u></p>

<p>8.</p>	<p>Rule 5.177</p> <p>The use of land for the deposition of more than 50 m³ 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 <u>seasonal high water table highest groundwater level</u> is less than 5 m below the deepest point in the excavation, <u>and the associated discharge of contaminants onto or into land where it may enter water</u>, is a controlled activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 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<u>The material is not concrete slurry, coal tar or hydro-excavated waste;</u> 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; <u>and</u> 7. <u>A site rehabilitation plan has been prepared for the site and is submitted with the application for resource consent.</u> <p>The CRC reserves control over the following matters:</p> <ol style="list-style-type: none"> 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; <u>and</u> 3. <u>The content and adequacy of the site rehabilitation plan to address any adverse effects after the deposition of material is completed.</u> 	<p>Oppose</p>	<p>The amendments to Rule 5.177 introduce the requirement to submit a rehabilitation plan <i>"to address any adverse effects after the deposition of material is completed"</i>. It is unclear what effects are being addressed by this requirement given:</p> <ul style="list-style-type: none"> • The substances deposited can only be cleanfill; • It must be deposited in an excavation with at least a 1 m buffer to the highest groundwater level; • A management plan is required for the clean fill (as per MfE guidelines); and • The rule is not addressing the excavation of material. <p>Any landscape or visual amenity effects would be addressed by any resource consent required from the District Council and any dust or air quality related effects would be subject to a rule assessment in the Canterbury Air Regional Plan.</p> <p>The risk to water quality arises from the filling activity itself. Requiring the preparation of a rehabilitation plan for what may be a very small filling operation (e.g. 51 m³) introduces extra expense for no obvious environmental benefit and may conflict with the requirements of District Plan land use rules.</p>	<p>Remove the requirement for a rehabilitation plan from Rule 5.177.</p> <p>The use of land for the deposition of more than 50 m³ 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 <u>seasonal high water table highest groundwater level</u> is less than 5 m below the deepest point in the excavation, <u>and the associated discharge of contaminants onto or into land where it may enter water</u>, is a controlled activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 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<u>The material is not concrete slurry, coal tar or hydro-excavated waste;</u> 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; <u>and</u> 7. <u>A site rehabilitation plan has been prepared for the site and is submitted with the application for resource consent.</u> <p>The CRC reserves control over the following matters:</p> <ol style="list-style-type: none"> 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; <u>and</u> 3. <u>The content and adequacy of the site rehabilitation plan to address any adverse effects after the deposition of material is completed.</u>
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Sub #	The provisions of PC7 that The Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
9.	<p>Rule 5.178</p> <p>The use of land for the deposition of more than 50 m³ 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<u>highest groundwater level</u> is less than 5 m below the deepest point in the excavation, <u>and the associated discharge of contaminants onto or into land where it may enter water</u>, that does not comply with the conditions of Rule 5.177 is a restricted discretionary activity.</p> <p>The CRC will restrict its discretion to the following matters:</p> <ol style="list-style-type: none"> 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.; <u>and</u> <u>4. Methods for reinstatement of the site following completion of the activity;</u> <u>5. The content and adequacy of the site rehabilitation plan if submitted with the application for resource consent; and</u> <u>6. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.</u> 	Oppose	<p>Rule 5.178 as amended by PC7 introduces a number of additional matters of discretion that do not add to the rule in any meaningful way, are not necessary for addressing effects appropriate for a regional rule, and potentially conflict with the requirements of District Plan land use rules.</p> <p>It is unclear what is gained by including "<i>Methods for reinstatement of the site following completion of the activity</i>". If there is a clear water quality driver for the requirement for reinstatement, this is adequately addressed through matter 1 "<i>The potential for adverse effects on the quality of water in aquifers, rivers, lakes, wetlands and mitigation measures</i>".</p> <p>In addition, reinstatement may not be necessary or appropriate in order to manage effects. Therefore picking this out as a matter or discretion would seem to elevate this particular mitigation measure without strong justification.</p>	<p>Delete conditions 4 and 5 from Rule 5.178.</p> <p>The use of land for the deposition of more than 50 m³ 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<u>highest groundwater level</u> is less than 5 m below the deepest point in the excavation, <u>and the associated discharge of contaminants onto or into land where it may enter water</u>, that does not comply with the conditions of Rule 5.177 is a restricted discretionary activity.</p> <p>The CRC will restrict its discretion to the following matters:</p> <ol style="list-style-type: none"> 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.; <u>and</u> <u>4. Methods for reinstatement of the site following completion of the activity</u> <u>5. The content and adequacy of the site rehabilitation plan if submitted with the application for resource consent; and</u> <u>46. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.</u>

Sub #	The provisions of PC7 that The Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Environment Canterbury:
		Oppose/ Support	Reasons	
10.	<p>Rule 8.5.17</p> <p><u>Within the Waimakariri subregion Regional Rule 5.133 shall include the following additional conditions:</u></p> <p>1. <u>In over-allocated surface water allocation zones, 50 percent of the rate or volume of water is surrendered unless the transfer of water is for community water supply or stock drinking water requirements; and</u></p> <p>2. <u>There is no transfer of any allocation of water or any water permit that has not been exercised in the preceeding 5 years.</u></p>	Oppose in part	<p>Water is used by Fulton Hogan for gravel extraction and processing activities (such as gravel washing) and mitigation activities such as dust suppression. This water can be transferred from site to site as resources are exhausted or project demands require that aggregate is won or processed from a different location.</p> <p>Requiring that 50 percent of water transferred is surrendered will very quickly reduce the volume of water available for this use and may potentially create compliance issues where this water is necessary for dust management.</p> <p>This issue was traversed through submissions and at the hearing for the Selwyn Te Waihora sub-region which resulted in the transfer of water for gravel extraction and ancillary activities having a separate rule without the requirement to surrender water.</p> <p>Fulton Hogan is seeking that this exemption is reflected in the Waimakariri sub-region.</p>	<p>Amend Rule 8.5.17 to exempt water transferred for use in gravel extraction or ancillary activities and include a new rule in the Waimakariri sub-regional chapter as follows:</p> <p><u>Within the Waimakariri subregion Regional Rule 5.133 shall include the following additional conditions:</u></p> <p>1. <u>In over-allocated surface water allocation zones, 50 percent of the rate or volume of water is surrendered unless the transfer of water is for community water supply or stock drinking water requirements or for gravel extraction and ancillary activities; and</u></p> <p>2. <u>There is no transfer of any allocation of water or any water permit that has not been exercised in the preceeding 5 years.</u></p>