

From: [Tim Ensor](#)
To: [Mailroom Mailbox](#)
Subject: Plan Change 7 LWRP Further Submission
Date: Friday, 6 December 2019 3:44:19 PM

Please find attached further submissions on Plan Change 7 to the Canterbury Land and Water Regional Plan on behalf of Fulton Hogan Limited.

Please contact me on the details below if you have any questions.

Nga Mihi | Kind regards,

Tim Ensor | Principal Planner

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Form 6

Further Submissions on Plan Change 7 to the Canterbury Land and Water Regional Plan

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

Submitter: Fulton Hogan Limited

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

Fulton Hogan has an interest in the proposal that is greater than the interest of the general public. This is because submissions have been made which, if relief is granted as sought, have the potential to positively or adversely impact on the ability of Fulton Hogan to operate their business in an efficient and effective manner.

The table annexed as **Appendix A** and forming a part of this further submission contains:

- a) The submissions which Fulton Hogan supports or opposes,
- b) The particular parts of those submissions supported or opposed,
- c) Reasons for support or opposition, and
- d) The decision sought by Fulton Hogan (whether the submission should be allowed or disallowed).

Fulton Hogan wishes to be heard in support of its further submission.

If others make a similar submission, Fulton Hogan will consider presenting a joint case with them at a hearing

Signed on behalf of
Fulton Hogan



Dated 6 December 2019

Address for Service of Submitter:

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Appendix A: Further Submissions

Ref #	Fulton Hogan supports or opposes the submission of:	Support or opposition	The particular part of the submission Fulton Hogan supports or opposes is:	The reasons for Fulton Hogan's support or opposition are:	Fulton Hogan seeks the following:
PC7 – 472.85	Royal Forest and Bird Society	Oppose	<p>Policy 8.4.18</p> <p>Royal Forest and Bird Society has sought that Policy 8.4.18 is deleted in its entirety, or is amended to require 100% of the volume being transferred to be surrendered.</p> <p>Fulton Hogan opposes the proposed amendment.</p>	<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 may need to be transferred from site to site as aggregate resources are exhausted or project demands require that aggregate is won or processed from a different location.</p> <p>Deleting the policy in its entirety would achieve the same outcome as the relief sought by Fulton Hogan in its submission and is therefore not opposed.</p> <p>Requiring 100% of water transferred to be surrendered would remove the option to transfer water, making it very difficult (if not impossible) for Fulton Hogan to undertake its gravel processing activities, and potentially to meet existing obligations under its resource consents, in areas that are fully allocated.</p> <p>Requiring 100% of water transferred to be surrendered also makes the policy and associated rule meaningless.</p> <p>The issue of surrendering water on transfer by aggregate processors was traversed through submissions and at the hearing for the Selwyn Te Waihora sub-region. This resulted in the transfer of water for gravel extraction and ancillary activities having a separate rule without the requirement to surrender water.</p>	That the submission is disallowed.

Ref #	Fulton Hogan supports or opposes the submission of:	Support or opposition	The particular part of the submission Fulton Hogan supports or opposes is:	The reasons for Fulton Hogan's support or opposition are:	Fulton Hogan seeks the following:
PC7 – 95.14	North Canterbury Fish and Game Council	Oppose	<p>Policy 8.4.18</p> <p>North Canterbury Fish and Game Council sought further amendment to Policy 8.4.18 as follows:</p> <p>b. 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 <u>actual use rate of take or actual use volume of</u> water proposed to be transferred is surrendered and not re-allocated, <u>based on the average of the actual allowable take during the preceding five-year period or part thereof.</u></p> <p>Fulton Hogan opposes the proposed amendment.</p>	<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 may need to be transferred from site to site as aggregate resources are exhausted or project demands require that aggregate is won or processed from a different location. The water demands for these activities vary from year to year due to through-put and aggregate demand, and site conditions.</p> <p>If the amendments proposed by North Canterbury Fish and Game Council are adopted, not only will the volume of water available reduce each time it is transferred, water will be lost if it isn't used. This 'use it or lose it' approach does not encourage efficient water use and may therefore lead to poor environmental outcomes.</p> <p>The issue of surrendering water on transfer by aggregate processors 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 and that there is no requirement to base the water available to transfer on actual usage.</p>	That the submission is disallowed.

Ref #	Fulton Hogan supports or opposes the submission of:	Support or opposition	The particular part of the submission Fulton Hogan supports or opposes is:	The reasons for Fulton Hogan's support or opposition are:	Fulton Hogan seeks the following:
PC7 – 95.35	North Canterbury Fish and Game Council	Oppose	<p>Rule 8.5.17</p> <p>North Canterbury Fish and Game Council sought further amendment to Rule 8.5.17 as follows:</p> <p>1. In over-allocated surface water allocation zones, 50 percent of the <u>actual use</u> rate of take or <u>actual use</u> volume of water to be transferred is surrendered...; and</p> <p>Fulton Hogan opposes the proposed amendment.</p>	<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 may need to be transferred from site to site as aggregate resources are exhausted or project demands require that aggregate is won or processed from a different location. The water demands for these activities vary from year to year due to through-put and aggregate demand, and site conditions.</p> <p>If the amendments proposed by North Canterbury Fish and Game Council are adopted, not only will the volume of water available reduce each time it is transferred, water will be lost if it isn't used. This 'use it or lose it' approach does not encourage efficient water use and may therefore lead to poor environmental outcomes.</p>	That the submission is disallowed.
PC7 - 507.5	Twelfth Knight Consulting	Oppose	<p>Rule 5.177</p> <p>Twelfth Knight Consulting is seeking that irrigation over areas that has been cleanfilled is not permitted.</p> <p>Fulton Hogan opposes the proposed amendment.</p>	<p>Cleanfill is well defined by the LWRP and this definition is consistent with the definition of cleanfill contained in the Ministry for the Environment guidelines for cleanfill management. The LWRP definition requires that the material when buried:</p> <p><i>"will have no adverse effects on people or the environment"</i>.</p> <p>On this basis there is no need to further control whether irrigation may or may not occur on clean filled land. In fact, this restriction may limit the ability of a cleanfill operator to adequately rehabilitate the site by limiting the future land use that may occur, and therefore the viability of that site.</p>	That the submission is disallowed.
PC7 - 507.3	Twelfth Knight Consulting	Support	<p>Rule 5.177</p> <p>Twelfth Knight Consulting is seeking that coal tar is subject to leaching tests before a decision is made on the acceptability or otherwise of these materials into cleanfills.</p>	<p>This is supported insofar as this approach is consistent with an effects based approach to cleanfill management. Also this approach is aligned with the definition of cleanfill contained in the LWRP and provides a link between whether material is appropriate as cleanfill, and its potential to generate effects.</p>	That the submission is allowed.

<i>Ref #</i>	<i>Fulton Hogan supports or opposes the submission of:</i>	<i>Support or opposition</i>	<i>The particular part of the submission Fulton Hogan supports or opposes is:</i>	<i>The reasons for Fulton Hogan's support or opposition are:</i>	<i>Fulton Hogan seeks the following:</i>
PC7 - 507.6	Twelfth Knight Consulting	Oppose	<p>Rule 5.177</p> <p>Twelfth Knight Consulting is seeking that Rule 5.177 contains a list of acceptable cleanfill materials.</p> <p>Fulton Hogan opposes the proposed amendment.</p>	<p>Including an exhaustive list of acceptable materials in the rule increases the complexity of the rule, limits the flexibility of the rule, and makes it susceptible to becoming outdated if materials are missed from the list.</p> <p>It also moves away from the effects based approach promoted by the definition of cleanfill already in the LWRP.</p>	That the submission is disallowed.
PC7 - 337.5	Christchurch City Council	Oppose	<p>The proposed new definition of 'Non-consumptive use'.</p>	<p>The proposed definition does not recognise that there will always be some losses (e.g. evaporative) from non-consumptive water use but that these losses will not necessarily result in effects that need to be managed.</p>	That the submission is disallowed.

Addresses of submitters

Submitter	Address
Royal Forest and Bird Society	Po Box 2516, Christchurch
North Canterbury Fish and Game Council	PO Box 50, Woodend
Twelfth Knight Consulting	26 Richmond Road, Pohara
Christchurch City Council	PO Box 73012, Christchurch