

From: [Alice Lin](#)
To: [Mailroom Mailbox](#)
Cc: [Karen Sky](#)
Subject: Plan Change 7 LWRP Further Submission
Date: Friday, 6 December 2019 4:15:54 PM

Hello

Please find attached, further submissions by Genesis Energy Limited on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan.

Please feel free to contact me if you have any queries on the contact details below.

Could you please confirm via reply email that this has been received? Many thanks.

Kind regards



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Further Submission by Genesis Energy Limited

Trading as Genesis

ON

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

6 December 2019

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

To: The Chief Executive
Environment Canterbury
mailroom@ecan.govt.nz

Date: 6 December 2019

Submitter name: Genesis Energy Limited

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1. Introduction

Genesis Energy Limited, trading as Genesis (**Genesis**) makes the specific further submissions to Environment Canterbury on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan, as set out in table below.

Genesis wishes to be heard in support of this submission.

In accordance with Clause 8(1)(b) of the First Schedule of the Resource Management Act 1991, Genesis has an interest in the Proposed Canterbury Land and Water Regional Plan greater than the interest of the general public.

Genesis does not gain an advantage in trade competition through this submission.

If other persons make a similar submission, then Genesis would consider presenting joint evidence at the time of the hearing.

Nāku noa, nā



Karen Sky
Environmental Manager

Submitter	Submission point ref.	Provision	Relief Sought by Submitter	Genesis Support / Oppose	Reason	Relief Sought by Genesis
Moody, DC	118.2	General Consultation -	Require consultation with Fish and Game for every proposal for a structure.	Oppose	It is impractical to suggest a blanket requirement that requires Fish and Game to be consulted on every structure.	Reject submission
McFarlane Agriculture Ltd & McFlynn Potatoes Ltd	278.1 278.69	Non-Regulatory Actions	Amend Plan Change 7 to apply alternatives to prescriptive planning, such as providing small bundles of out of catchment water. AND Amend the water quality targets for Levels to acknowledge responsibility of out of catchment water, and its quality on the Levels water quality.	Oppose	Genesis opposes any proposal to utilise out of catchment water, particularly in the context of the use of water sourced from the upper Waitaki Catchment, and seeks that all provisions that contemplate the use of out of catchment water be deleted.	Reject submission
Beef and Lamb New Zealand	214.152 214.81 214.82 214.122 214.154	Water quality - allocation	Adopt the following Principles for the Allocation of Nutrients: Principles for the Allocation of Nutrients These principles have been developed to guide decisions on nutrient allocation. They seek to ensure that nutrient allocation is fair, equitable, recognises the complexity of farming systems, and provides for continued flexibility of land use. They support catchment specific solutions to nutrient management and that different allocation regimes will be established that reflect differences between communities and their catchments, and to meet water quality objectives in those catchments. These principles should be considered carefully when forming any nutrient allocation policies or methods to achieve them. Each principle is important but they should be considered as a whole to inform allocation discussions. And other submission points on allocation.	Oppose	Genesis is concerned that this proposal has the potential to degrade water quality in catchments that contain nationally significant hydro-electricity resources and/or significant hydro-electricity potential, and in doing so may lead to changes to current allocation regimes.	Reject submission
Water and Wildlife Habitat Trust	88.101	Limits	Amend minimum flows to increase limits by 30% to account for scientific uncertainty and the predicted hydrological effects of a changing climate.	Oppose	Genesis does not consider this relief to be appropriate in the context of this plan change and it would have significant consequences for hydro-electricity resources. In any event the relief sought is arbitrary and without justification.	Reject submission
Water and Wildlife Habitat Trust	88.26	Habitats of Indigenous Species	Amend Plan Change 7 to identify, map and protect key habitats for breeding, feeding and shelter.	Oppose	The plan provisions already adequately provide for the habitats of indigenous species.	Reject submission

Submitter	Submission point ref.	Provision	Relief Sought by Submitter	Genesis Support / Oppose	Reason	Relief Sought by Genesis
New Zealand Salmon Anglers Association	542.4	Habitats of Indigenous Species	Amend Plan Change 7 to improve indigenous fish habitat by restricting the fluctuations of hydro flows.	Oppose	Genesis does not consider this relief to be appropriate in the context of this plan change. It is arbitrary, without specification and contrary to the NPSREG.	Reject submission
Gardiner, A	504.3	Freshwater Fishery – Trout and Salmon	Remove any policy that would allow for new structures and the retrofitting of any existing structures to enable indigenous fish passage while avoiding/prohibiting the passage of species deemed to have adverse effects on native populations.	Oppose	It is not practicable to retrofit all structures to enable the passage of fish. The plan provisions already adequately provide for the habitats of indigenous species.	Reject submission
Sadler, J	141.1	Freshwater Fishery – Trout and Salmon	Amend Plan Change 7, and in particular Policy 4.102, to protect all species of fish within Canterbury's rivers and to plan any infrastructure changes accordingly.	Oppose	It is not practicable to retrofit all structures to enable the passage of fish. The plan provisions already adequately provide for the habitats of indigenous species.	Reject submission
Water and Wildlife Habitat Trust	88.34	Habitats of Indigenous Species	Insert new policy for offsetting acceptable adverse effects with prescribed multipliers of 5 or more times the affected habitat for habitat replacement, depending on the health and condition of the replacement habitat and measures for its restoration and ongoing protection.	Oppose	The relief sought is unspecific, and there are already guidelines for offsetting. This submission point is arbitrary and without specification.	Reject submission
Royal Forest & Bird Protection Society Inc.	472.29	Habitats of Indigenous Species	Insert a new strategic policy that ensures takes which are not captured by Policy 4.61A consider effects on indigenous freshwater species habitat which is not yet identified or mapped.	Oppose	Genesis supports the notified approach in mapping Indigenous Freshwater Species Habitat, subject to the relief sought in Genesis' primary submission.	Reject submission
Department of Conservation	160.38	02.09. Indigenous freshwater species habitat	Insert wording to the effect of either with the mapping or as part of the definition as an interim measure if new sites are identified: <u>Where site specific information is available that identifies, better identifies or delineates an Indigenous Freshwater Species Habitat, that information must be taken into account when undertaking activities, or when determining resource consent applications for that site.</u>	Oppose	Genesis supports the notified approach in mapping Indigenous Freshwater Species Habitat, subject to the relief sought in Genesis' primary submission.	Reject submission
Royal Forest & Bird Protection Society Inc.	472.5	02.09. Indigenous freshwater species habitat	Amend the definition of 'Indigenous freshwater species habitat' so that it includes indigenous stygofauna.	Oppose	The process to map the areas of indigenous stygofauna has not been undertaken and therefore should not form part of the definition which also links to mapped sites.	Reject submission
Royal Forest & Bird Protection Society Inc.	472.6	02.09. Indigenous freshwater species habitat	Amend the definition of 'Indigenous freshwater species habitat' so that it includes species identified by Allibone and Gray (2018).	Oppose	Genesis considers that the existing definition captures the appropriate species, subject to the relief sought in Genesis' primary submission.	Reject submission

Submitter	Submission point ref.	Provision	Relief Sought by Submitter	Genesis Support / Oppose	Reason	Relief Sought by Genesis
Royal Forest & Bird Protection Society Inc.	472.7	02.09. Indigenous freshwater species habitat	Amend the definition of 'Indigenous freshwater species habitat' so that it includes the full range of Canterbury's indigenous freshwater invertebrates.	Oppose	The process to map the areas of indigenous freshwater invertebrates has not been undertaken and therefore should not form part of the definition which also links to mapped sites.	Reject submission
Royal Forest & Bird Protection Society Inc.	472.9	02.09. Indigenous freshwater species habitat	Amend the definition of 'Indigenous freshwater species habitat' to delete the reference to mapped habitats to provide for ki uta ki tai and give effect to Te Mana o Te Wai.	Oppose	Genesis considers that the mapping of the identified habitats provides certainty to resource users and should be retained, subject to the relief sought in Genesis' primary submission.	Reject submission
Fenwick, G D	339.2	02.09. Indigenous freshwater species habitat	Delete definition of Indigenous freshwater species habitat and replace with new definition for Significant habitat of indigenous biodiversity: <u>Significant habitat of indigenous biodiversity Includes taonga species, species (described and undescribed) of plants, vertebrates and invertebrates that are endemic to the region, and species with regional populations that are nationally significant.</u>	Oppose	Genesis supports the retention of the original definition, subject to the relief sought in Genesis' primary submission.	Reject submission
Royal Forest & Bird Protection Society Inc.	472.206	02.09. Values	Insert a new definition for "values" in the context of habitat, wetland, amenity, recreational, significant and cultural.	Oppose	Any such definition of "values" would be extremely broad and unspecific. This submission is arbitrary and without specification.	Reject submission
Ngā Rūnanga	423.9	04.006	Amend Policy 4.6 as follows: "In high naturalness water bodies listed in Sections 6 to 15, the damming, diverting or taking of water is limited to that for a person's or community's stockwater needs, an individual or community's drinking-water needs, and water for the operation and maintenance of existing infrastructure. "	Oppose	Genesis considers that "water for the operation and maintenance existing infrastructure" should be retained.	Reject submission
Department of Conservation	160.5	04.047	Amend clause (a) of Policy 4.47 as follows: a. establishing, maintaining or repairing infrastructure <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>	Oppose	PC7 does not seek to amend clause (a) of this policy and Genesis considers that the original wording should be retained.	Reject submission
Trustpower Limited	156.2	04.061A	Amend Policy 4.61A as follows: Preserve indigenous biological diversity within water bodies by requiring applications to abstract surface water or stream depleting groundwater to assess the potential effects, including cumulative effects, of the proposed abstraction on any Indigenous Freshwater Species Habitat, and: a. by refusing any application to take water that would reduce the area or compromise the values of the Indigenous Freshwater Species Habitat, except for an application to take water for a community water supply <u>or an existing hydro-electric power scheme;</u> and	Support	For the reasons presented in the Trustpower submission.	Accept submission

Submitter	Submission point ref.	Provision	Relief Sought by Submitter	Genesis Support / Oppose	Reason	Relief Sought by Genesis
			b. if the application is to take water for a community water supply <u>or an existing hydro-electric power scheme</u> and the take would reduce the area or compromise the values of the Indigenous Freshwater Species Habitat, allow any significant adverse effects on that habitat to be offset by the creation of new habitat in the same surface water catchment and with the same or improved habitat characteristics.			
Royal Forest & Bird Protection Society Inc.	472.41	04.101	Amend clause (a) of Policy 4.101 as follows: Avoid the damage or loss of Indigenous Freshwater Species Habitat caused by sediment discharges, vegetation clearance, excavation and deposition of material, or other disturbance in a surface water body, unless: a. the effects of habitat damage will be <u>avoided</u> remedied or mitigated ; or ...	Oppose	Genesis seeks that reference to "remediated or mitigated" be retained.	Reject submission
Meridian Energy	346.12	05.140	Amend condition 3 of Rule 5.140 as follows: 3. <u>In relation to any new activity</u> The activity does not prevent fish passage or result in the stranding of fish; and ..."	Support	For the reasons outlined in the Meridian submission.	Accept submission
Meridian Energy	346.15	05.141	Amend condition 3 of Rule 5.141 as follows: "3. The concentration of total suspended solids in the discharge, except within the first 4 hours of discharge, does not exceed <u>outside the zone of reasonable mixing</u> ; a..."	Support	For the reasons outlined in the Meridian submission.	Accept submission
Department of Conservation	160.27	05.154	Amend condition 2 of Rule 5.154 to insert a new clause as follows: 2. For the damming of water in the bed of a river and the constructing, altering, using, maintaining and operating of dam structures within the bed of a river: ... h. <u>the dam, its operation and impoundment area is not in any Indigenous Freshwater Species Habitat.</u>	Oppose	PC7 does not seek to amend rule 5.154 and therefore Genesis considers the proposed amendment (the inclusion of a new clause) is out of scope. This change is also inappropriate as it could potentially affect the use of existing dam structures as the rule refers to the use, maintenance and operation of dam structures.	Reject submission
Water and Wildlife Habitat Trust	88.41	05.161	Amend matter of discretion 3 of Rule 5.161 as follows: 3. Any <u>acceptable</u> off-setting of any actual and potential adverse effects <u>in accordance with an E-Can Offsets policy</u> ; and	Oppose	PC7 does not seek to amend this clause of this rule and therefore Genesis considers the proposed amendment is out of scope. This amendment is also not justified, and it is noted that the National Planning Standard advises against using words like "acceptable".	Reject submission

Submitter	Submission point ref.	Provision	Relief Sought by Submitter	Genesis Support / Oppose	Reason	Relief Sought by Genesis
Department of Conservation	160.30	05.167	Amend condition 5 of Rule 5.167 as follows: 5. The vegetation clearance does not occur adjacent to a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive, <u>adjacent to</u> or in any Indigenous Freshwater Species Habitat; and	Oppose	Genesis seeks that this submission be rejected as the inclusion of "adjacent to" is not specific as to what "adjacent" is and could potentially cover large areas of land around a mapped area.	Reject submission
Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu	424.6	14.04.14	Delete Policy 14.4.14 and replace with: <u>For any proposal to introduce new water from outside a catchment it must:</u> <u>(a) Avoid diminishing the mauri of the receiving water body and the source water body</u> <u>(b) Show evidence of any consultation undertaken with Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga</u> <u>(c) Have particular regard to the values and customs of Te Rūnanga o Ngāi Tahu or Papatipu Rūnanga.</u>	Oppose	While Genesis appreciates the intention of the proposed policy, Genesis opposes any proposal to utilise out of catchment water, particularly in the context of the use of water sourced from the upper Waitaki Catchment, and seeks that all provisions that contemplate the use of out of catchment water be deleted.	Reject submission
Central South Island Fish and Game Council	351.38	14.04. New	Insert a new policy as follows (or similar): <u>Policy 14.4.14A:</u> <u>Takes from surface water to introduce water from outside the catchment should only be considered where an environmental flow regime and allocation limits for the flow band from which water is sought is established to ensure that no adverse effects arise from further abstraction.</u>	Oppose	Genesis opposes any proposal to utilise out of catchment water, particularly in the context of the use of water sourced from the upper Waitaki Catchment, and seeks that all provisions that contemplate the use of out of catchment water be deleted.	Reject submission
Te Ana Wai (TeNgawai) Water Users Group Hawkins, M Combined Canterbury Provinces, Federated Farmers of New Zealand Opuha Water Limited Temuka Catchment Working Party	68.31 97.25 430.193 381.44 318.38	14.04.14	Amend Policy 14.4.14 to replace the term "catchment" with "Orari-Temuka-Opihi Pareora sub-region"	Oppose	Genesis opposes any proposal to utilise out of catchment water, particularly in the context of the use of water sourced from the upper Waitaki Catchment.	Reject submission

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Geraldine Water Solutions (GWS)	295.2					
Mackenzie College	487.25					
Annfield Dairies	373.23					
Barwoods Limited	298.40					
Ashwick Flat Dairy Farms	283.42					
Cascade Creek Limited	294.44					
Coles Farms	223.41					
O'Sullivan, W D	240.40					
Pearse, H	445.49					
Temuka Catchment Group Incorporated	319.35					
Davies, D	168.40					
Caird, B	175.46					
Glenfield Farm	236.43					
Jackson, H	169.41					
Wainono Dairy Ltd	237.35					
Upper Opihi-Opuha Catchment Group	238.35					
Lambie, T	410.22					
Monument Road Farm Ltd	370.42					
McMillan, I & H	568.45					
Gibson Family Trust	341.7	14.04.14	Amend Policy 14.4.14 to allow new water and no restrictions.	Oppose	Genesis opposes any proposal to utilise out of catchment water, particularly in the context of the use of water sourced from the upper Waitaki Catchment.	Reject submission

Submitter	Submission point ref.	Provision	Relief Sought by Submitter	Genesis Support / Oppose	Reason	Relief Sought by Genesis
Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu	424.37	14.05.New	Insert a new rule as follows: <u>The taking and use of surface water from a catchment for use within another catchment is a non-complying activity</u>	Oppose	While Genesis appreciates the intention of the proposed rule, Genesis opposes any proposal to utilise out of catchment water, particularly in the context of the use of water sourced from the upper Waitaki Catchment, and seeks that all provisions that contemplate the use of out of catchment water be deleted.	Reject submission
Rathkeale Farming Partnership	181.7	14.06.02.Table 14(w)	Amend Table 14(w) to augment Lake Opuha with water from Lake Tekapo (via gravity) whilst generating electricity in turn increasing flushing flows down to the river mouth.	Oppose	Genesis opposes any proposal to utilise out of catchment water, particularly in the context of the use of water sourced from the upper Waitaki Catchment.	Reject submission