Submission on the Proposed Southland Water and Land Plan

To: Southland Regional Council
   Private Bag 90116
   Invercargill 9840

Submitter: Fulton Hogan Limited and Southern Aggregates Limited

This is a joint submission by Fulton Hogan and Southern Aggregates Limited on the Proposed Southland Water and Land Plan

Fulton Hogan and Southern Aggregates:

(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 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 Limited (Fulton Hogan) is one of New Zealand’s largest roading and infrastructure construction companies and operates throughout New Zealand as well as Australia and the South Pacific. Within New Zealand Fulton Hogan employs close to 4000 staff and has an annual turnover of NZ $1 billion. Fulton Hogan employs 115 staff in the Southland Region and has an annual turnover of approximately $40 Million.

2. Fulton Hogan has an aggregate extraction and screening/crushing plant on the Mataura River near Gore where it extracts approximately 90,000 tonnes of aggregate annually. This aggregate is used for roading chip, sand, dust, concrete aggregate and construction aggregate.

3. Fulton Hogan also purchases approximately 100,000 tonnes of aggregate annually from other extractors for use in the maintenance of roads and the construction industry.

Southern Aggregates Limited

4. Southern Aggregates Limited (Southern Aggregates) have 15 staff and operate two quarries, Stoney Creek in Balclutha and Greenhills near Bluff and one sand and aggregate plant at Oreti Beach near Invercargill. The company produces a range of products from 1mm serpentine dust to railway ballast and ornamental boulders. It also operates three mobile crushing plants and one mobile screening plant.
5. Southern Aggregates has an annual turnover of approximately $6 Million and in the last financial year sold or processed approximately 518,000 tonnes of aggregate.

General submissions

6. Fulton Hogan and Southern Aggregates support the recognition of the role land and water plays in the economic and social wellbeing of the region. However, the plan needs to be strengthened to better recognise the specific value of aggregate and construction related activities to the region.

7. Understandably given the rapid increase in knowledge regarding the effects of agriculture, the plan has a strong focus on farming activities. This focus has left gaps in the plan as regards to other activities such as those undertaken by Fulton Hogan and Southern Aggregates. Part of a solution to this is providing for activities within the plan that have limited environmental risk such as discharge of cleanfill material, small temporary water abstractions and temporary diversions by assigning activity appropriate consent statuses.

8. In addition, Fulton Hogan and Southern Aggregates are concerned that the proposed Water and Land Plan introduces uncertainty of implementation through relying on undefined terms such as good environmental management practice and creating conflict between objectives.

9. On this basis while parts of the proposed Water and Land Plan are supported, overall this submission opposes the plan as without the changes sought in Appendix A, the proposed Water and Land Plan:
   a. will not promote sustainable management; and
   b. will not provide for the efficient use and development of natural and physical resources.

Specific submissions and relief sought

10. Fulton Hogan and Southern Aggregates specific submissions and relief sought are contained in Appendix A.

Signed on behalf of
Fulton Hogan and Southern Aggregates

Dated 1 August 2016

Address for Service of Submitter:
AECOM
Level 2, 2 Hazeldean Road, Addington, Christchurch 8024
PO Box 710, Christchurch 8140
Attn: Tim Ensor

Phone +64 3 966 6173
Email tim.ensor@aecom.com
### Appendix A: Submissions

<table>
<thead>
<tr>
<th>Sub #</th>
<th>The provisions of the Proposed Southland Water and Land Plan</th>
<th>The Fulton Hogan - Southern Aggregates submission is that:</th>
<th>Fulton Hogan - Southern Aggregates seek the following decisions from Southland Regional Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Oppose/Support Reasons</td>
<td>Retain reference to the benefits of the use of river and lake beds and to gravel extraction activities within the issue.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 River and Lake Beds</td>
<td>Support The issue recognises that activities that disturb the beds of rivers can have positive effects and economic, social and community value. Gravel extraction is one activity that contributes to economic and social wellbeing and therefore this recognition is supported.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Objective 2</td>
<td>Water and land is recognised as an enabler of the economic, social and cultural wellbeing of the region.</td>
<td>Support Gravel extraction contributes significantly to the economic wellbeing of the region through providing materials for the maintenance and construction of infrastructure. On this basis Objective 2 is supported as it recognizes water and land resources, which includes the aggregate resource, as enabling wellbeing.</td>
<td>Retain Objective 2.</td>
</tr>
<tr>
<td>3 Objective 6</td>
<td>There is no reduction in the quality of freshwater, and water in estuaries and coastal lagoons, by: (a) maintaining the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and (b) improving the quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities.</td>
<td>Oppose The proposed RPS seeks to “halt the decline, and improve water quality in lowland water bodies and coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands in accordance with freshwater objectives formulated in accordance with the National Policy Statement for Freshwater Management 2014” through Objective WQUAL.2 Objective 6 as notifed sets the bar higher than this through maintaining and improving water quality in all water bodies with the aim of ensuring there is no reduction the quality of freshwater, and water in estuaries and coastal lagoons. Some deterioration in water quality in water bodies may be appropriate when all effects (both positive and negative) associated with an activity are weighed up, and if there is no reduction in the quality of freshwater, and water in estuaries and coastal lagoons.</td>
<td>Amend Objective 6 to tolerate some deterioration of water quality where, after a consideration of all effects associated with the activity, it is deemed appropriate. Objective 6 There is no reduction in the quality of freshwater, and water in estuaries and coastal lagoons, by: (a) maintaining the quality of water in waterbodies supplying estuaries and coastal lagoons; and (b) improving the quality of water in estuaries, estuaries and coastal lagoons, that have been degraded by human activities.</td>
</tr>
<tr>
<td>4 Objective 14</td>
<td>The range and diversity of indigenous ecosystem types and habitats within dryland environments, rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced.</td>
<td>Oppose Objective 14 refers to the “range and diversity of indigenous ecosystem types and habitats”. It is unclear from this objective and Objective BIO.3 of the proposed RPS what the term the range of indigenous ecosystem types and habitats means, and therefore how it will influence activities.</td>
<td>Amend the Objective to remove reference to the range of indigenous ecosystem types and habitats: Objective 14 The range and diversity of indigenous ecosystem types and habitats within dryland environments, rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced. or redraft the objective to better articulate what is intended by the use of the word range so as to give effect to the proposed RPS.</td>
</tr>
<tr>
<td>5 Objective 17</td>
<td>The natural character values of wetlands, rivers and lakes including channel form, bed rapids, seasonably variable flows and natural habitats, are protected from inappropriate use and development</td>
<td>Oppose Objective 17 as notified sets a high bar that would apply to all freshwater bodies regardless of value. Objective BRL.1 and Policy BRL.1 of the proposed RPS take a slightly softer approach by seeking to maintain and enhance significant values and avoid where practicable, and otherwise remedy or mitigate adverse effects.</td>
<td>Amend Objective 17 to better have regard to the proposed RPS. For example: Objective 17 The natural character values of wetlands, rivers and lakes including channel form, bed rapids, seasonably variable flows and natural habitats, are where practicable protected from inappropriate use and development.</td>
</tr>
</tbody>
</table>

Submission by Fulton Hogan and Southern Aggregates Ltd on the Proposed Southland Water and Land Plan
<table>
<thead>
<tr>
<th>Sub #</th>
<th>The provisions of the Proposed Southland Water and Land Plan</th>
<th>The Fulton Hogan - Southern Aggregates submission is that:</th>
<th>Fulton Hogan - Southern Aggregates seek the following decisions from Southland Regional Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td><strong>Objective 18</strong></td>
<td>All activities operate at “good (environmental) management practice” or better to optimise efficient resource use and protect the region’s land, soils, and water from quality and quantity degradation.</td>
<td>Oppose</td>
</tr>
<tr>
<td></td>
<td><strong>Policies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td><strong>Policy 2 – Take into account iwi management Plans</strong></td>
<td>Any assessment of an activity covered by this plan must: 1. take into account any relevant iwi management plan; and 2. assess water quality and quantity based on Ngāi Tahu indicators of health.</td>
<td>Support in part</td>
</tr>
<tr>
<td>8</td>
<td><strong>Physiographic Zone Policies</strong></td>
<td>While the policy framework seeks to manage activities based on the specific environmental setting and this is supported, the Physiographic Zone Policies do not provide much variation in approach from zone to zone. There is an opportunity to rationalise these policies.</td>
<td>Support in part</td>
</tr>
<tr>
<td>9</td>
<td><strong>Policy 44 of the National Policy Statement for Freshwater Management 2014</strong></td>
<td>It is unnecessary to repeat the NPS for Freshwater Management within this plan.</td>
<td>Support in part</td>
</tr>
<tr>
<td>10</td>
<td><strong>Policy 17 – Effluent management</strong></td>
<td>1. Avoid adverse effects on water quality, and avoid as far as practicable other adverse environmental effects of the operation of, and discharges from effluent management systems. 2. Manage effluent systems and discharges from them by: (a) designing, constructing and locating systems appropriately and in accordance with standards;</td>
<td>Support in part</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Amend Policy 17 to make reference to the specific design standards for effluent systems or remove the reference to standards as follows:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Policy 17 – Effluent management</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. Avoid adverse effects on water quality, and avoid as far as practicable other adverse environmental effects of the operation of, and discharges from effluent management systems.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Manage effluent systems and discharges from them by: (a) designing, constructing and locating systems appropriately and in accordance with standards;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(b) maintaining and operating effluent systems in accordance with best practice guidelines;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(c) avoiding any surface run-off/overland flow, ponding or contamination of water resulting from the application of agricultural effluent to pasture;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(d) avoiding the discharge of raw sewage and untreated agricultural effluent to water</td>
</tr>
<tr>
<td>11</td>
<td><strong>Policy B7 of the National Policy Statement for Freshwater Management 2014</strong></td>
<td>It is unnecessary to repeat the NPS for Freshwater Management within this plan.</td>
<td>Support in part</td>
</tr>
</tbody>
</table>
Sub # | The provisions of the Proposed Southland Water and Land Plan | The Fulton Hogan - Southern Aggregates submission is that: | Fulton Hogan- Southern Aggregates seek the following decisions from Southland Regional Council: |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>NEW Policy X - Construction Water Takes</td>
<td>Support There are small and temporary water takes that are not associated with personal or domestic use that can be enabled with minimal environmental effect. These include takes for construction purposes such as for the suppression of dust. These activities need to be provided for through policy so as to avoid the need for unnecessary resource consents.</td>
<td>Include a new policy that provides for small water abstractions:</td>
</tr>
<tr>
<td>13</td>
<td>Policy 29 – Provide for the extraction of gravel</td>
<td>Support In part Gravel extraction contributes significantly to the economic wellbeing of the region. On this basis Policy 29 is supported with some amendments in that it provides for the extraction of gravel. However, the policy is limited to river based extraction and places fairly stringent restrictions on gravel extraction through its subclauses for example; gravel extraction must maintain or enhance aquatic and riparian habitat. The policy does not allow for the case by case benefits and costs of an extraction activity to be considered.</td>
<td>Provide for the abstraction of water at a rate not exceeding 5L/s or 100m³ per day for a period no longer than 6 months for associated with construction activities.</td>
</tr>
<tr>
<td>14</td>
<td>Policy 35 – Discharge waste and cleanfill appropriately</td>
<td>Support in part What constitutes cleanfill is well defined by the plan and the risks associated with it are well known. Therefore, providing cleanfills are appropriately sited, the level of control required by the plan is fairly restricted. On this basis the policy should be extended to provide for cleanfill operations if appropriately sited as per the requirements of Rule 42.</td>
<td>Support Policy 35 on the basis that the appropriateness of a cleanfill site is defined by Rule 42 with amendments:</td>
</tr>
<tr>
<td>15</td>
<td>Policy 39 – Application of the permitted baseline</td>
<td>Oppose Removing the application of the permitted baseline from resource consent applications provides a regime counter to the direction of existing case law. As a concept this is opposed.</td>
<td>Remove Policy 39</td>
</tr>
</tbody>
</table>
16 Policy 40 – Determining the term of resource consents
When determining the term of a resource consent consideration will be given, but not limited, to:
(a) control is reserved; or
(b) exercise of discretion is restricted;
and therefore how this may influence consent duration.

Oppose
Restricting consent duration based on the unknown timeframes associated with the development of FMU sections of the plan provides no certainty or impetus for investment. The RMA already provides for the review of consents based on future plan development which provides for consistent management of a resource. As stated above it is unclear what Ngai Tahu indicators of health are, and therefore how this may influence consent duration.

Amend Policy 40 remove the uncertainty surrounding future plan development and Ngai Tahu indicators of health.

17 Policy 41 – Matching monitoring to risk
Consider the magnitude of environmental effects and frequency of adverse effects from the activity or the capacity of the resource; the need for a bond and the consent sought, the review of the conditions of a resource consent, the decision maker may also consider the lapse period sought, the duration of the resource consent sought, the review of the conditions of a resource consent, the need for a bond and the collection, recording, monitoring and provision of information concerning the exercise of a resource consent.

Support
Often monitoring requirements placed on resource consents are disproportionate to the level of risk or effect associated with an activity. This Policy clearly recognizes this issue and sets direction regarding placing monitoring requirements as consent conditions.

Retain Policy 41

18 Policy 42 – Consideration of water permit applications
When considering resource consent applications for water permits:
1. consent will not be granted if a waterbody is fully allocated, or to do so would result in a waterbody becoming over allocated or over allocation being increased;
2. relevant tangata whenua values and Ngāi Tahu indicators of health; and
3. the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the any revised frameworks established in those sections.

Oppose
As written, Policy 42(1) suggests that applications for water permits where the waterbody is fully allocated will be treated as prohibited. This is inconsistent with Policy 21(3) which enables the secondary allocation of surface water and groundwater.

Amend Policy 42(1) to be consistent with Policy 21(3) or amend both policies to clarify the water allocation regime and what will be considered through the consent process.

Region Wide Rules

19 Rule 3 – When considering applications for controlled activities or restricted discretionary activities, in addition to the matters over which:
(a) control is reserved; or
(b) exercise of discretion is restricted;
the decision-maker may also consider the lapse period sought, the duration of the resource consent sought, the review of the conditions of a resource consent, the need for a bond and the collection, recording, monitoring and provision of information concerning the exercise of a resource consent.

Oppose
Rule 3 does not allow for considering the positive effects of a proposal. When considering a restricted discretionary or controlled activity if the positive effects are not listed as a matter of discretion or control then they may not be considered by a decision maker.

Amend Rule 3 to:

Rule 3
When considering applications for controlled activities or restricted discretionary activities, in addition to the matters over which:
(a) control is reserved; or
(b) exercise of discretion is restricted;
the decision-maker may also consider the positive effects of the proposal, lapse period sought, the duration of the resource consent sought, the review of the conditions of a resource consent, the need for a bond and the collection, recording, monitoring and provision of information concerning the exercise of a resource consent.
### Sub # 20

**Rule 17 - Dust Suppressants**

(a) The discharge of a dust suppressant onto or into land in circumstances where a contaminant may enter water is a permitted activity, provided either of the following conditions are met:

(i) the discharge is only of vegetable oil, or of new light fuel or new lubricating oil and is:

1. applied in a manner that does not result in pooling or run-off, with a maximum application rate not exceeding 2 litres per square metre per day and 4 litres per square metre per annum; and
2. not within 20 metres of a surface waterbody, the Coastal Marine Area, a bore or soakhole; or

(ii) the dust suppressant is approved under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the dust suppressant is in accordance with all conditions of the approval.

(b) The discharge of oil as a dust suppressant onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 17(a) is a restricted discretionary activity.

<table>
<thead>
<tr>
<th>Oppose/Support</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>The methods and volumes for dust suppressant are appropriate and are therefore supported.</td>
</tr>
</tbody>
</table>

- **Fulton Hogan - Southern Aggregates** seek the following decisions from Southland Regional Council:
  - Retain Rule 17
Rule 42 – Cleanfill sites
(a) The discharge of cleanfill into or onto land at a cleanfill site in circumstances where contaminants may enter water is a permitted activity provided the following conditions are met:
(i) the total amount of cleanfill discharged at all cleanfill sites on a landholding does not exceed 500 cubic metres; 
(ii) the discharge does not occur within:
   (1) the bed of a lake or river;
   (2) 50 metres of a surface waterbody, artificial watercourse, the coastal marine area, or landholding boundary;
   (3) the flood banks of the Waiau, Apirima, Ōreti or Mataura rivers, or 50 metres of these rivers where flood banks are not present;
   (4) 100 metres of a water abstraction point;
   (v) the activity does not modify, damage or destroy any recorded historic heritage site;
   (vi) stormwater is directed away from the discharge site.
(b) The discharge of cleanfill into or onto land at a cleanfill site in circumstances where contaminants may enter water that does not meet one or more of the conditions of Rule 42(a) is a restricted discretionary activity.

Amend Rule 42 to provide for cleanfill discharges that do not comply with Rule 42(a)(i) only as a controlled activity.

Rule 42 – Cleanfill sites
(a) The discharge of cleanfill into or onto land at a cleanfill site in circumstances where contaminants may enter water is a permitted activity provided the following conditions are met:
(i) the total amount of cleanfill discharged at all cleanfill sites on a landholding does not exceed 500 cubic metres; 
(ii) the discharge does not occur within:
   (1) the bed of a lake or river;
   (2) 50 metres of a surface waterbody, artificial watercourse, the coastal marine area, or landholding boundary;
   (3) the flood banks of the Waiau, Apirima, Ōreti or Mataura rivers, or 50 metres of these rivers where flood banks are not present;
   (4) 100 metres of a water abstraction point;
   (v) the activity does not modify, damage or destroy any recorded historic heritage site;
   (vi) stormwater is directed away from the discharge site.
(b) The discharge of cleanfill into or onto land at a cleanfill site in circumstances where contaminants may enter water that does not meet condition (i) of Rule 42(a) is a controlled activity.

Environment Southland will restrict its control to the following matters:
1. Design, construction and management of the cleanfill site;
2. Post-closure management practices and procedures;
3. Information and monitoring requirements;
4. The quantity of cleanfill to be discharged;

Environment Southland will restrict its discretion to the following matters:
1. Prevention of inundation of any other person’s landholding, sedimentation in any waterbody, erosion and land instability, or the restriction or diversion of flood flows or coastal water;
2. Site selection and effects on sensitive receiving environments;
3. Effects on historic heritage;
4. Design, construction and management of the cleanfill site;
5. Post-closure management practices and procedures;
6. Information and monitoring requirements;
7. The quantity of cleanfill to be discharged.

An application for resource consent under Rule 42(b) and (c) will be processed and considered without public or limited notification unless the applicant requests notification or Environment Southland considers special circumstances exist that warrant notification of the application.
Rule 49 - Abstraction, diversion and use of surface water
(a) The take and use of surface water is a permitted activity provided the following conditions are met:
(i) the volume of take does not exceed 2000 litres per day or some other volume. 2000 litres per day is also likely to be problematic for temporary construction abstractions as more water than this may be needed to meet dust mitigation needs.
(ii) the volume of take does not exceed 2L/s
(iii) the rate of take does not exceed 30 percent of the naturalised instantaneous flow in the surface waterbody at the time of take;
(iv) the volume of take does not exceed 2 litres per second;
(v) fish are prevented from entering the reticulation system; and
(vi) the following details are supplied to Environment Southland upon request:
1. farming type;
2. stocking rate;
3. point of abstraction;
4. what the water was used for; and
5. maximum rate of take.

Amend Rule 49 to increase the permitted maximum rate of take to 5L/s and to extend the daily volume to 100 cubic metres per day for temporary construction related activities.

Rule 49 - Abstraction, diversion and use of surface water
(a) The take and use of surface water is a permitted activity provided the following conditions are met:
(i) the volume of take does not exceed 2000 litres per day; plus 250 litres per hectare per day, up to a maximum of 40 cubic metres per landholding per day, or per facility per day on public conservation land managed as such under the National Parks Act 1980, Conservation Act 1987, or the Reserves Act 1977;
(ii) the volume of take associated with construction activities of less than 6 months duration does not exceed 100 cubic metres per day
(iii) the maximum volume of take allowed under this rule and Rule 54(a) is not added. A maximum of 86 cubic metres of groundwater and surface water combined per landholding per day may be taken;
(iv) the volume of take does not exceed 30 percent of the naturalised instantaneous flow in the surface waterbody at the time of take;
(v) the rate of take does not exceed 2L/s per second;
(vi) fish are prevented from entering the reticulation system; and
(vii) the following details are supplied to Environment Southland upon request:
1. farming type;
2. stocking rate;
3. point of abstraction;
4. what the water was used for; and
5. maximum rate of take.

Add a new clause to Rule 49 to provide for temporary non-consumptive diversions as a controlled activity without requiring compliance with allocation limits.

Rule 49 - Abstraction, diversion and use of surface water
(b) Except as provided for in Rules 49(a), 50(a), 50(b), 51(a) and 51(b), the taking, diversion and use of water for temporary diversions for the purposes of construction from any of the following sources is a controlled activity:
(i) any surface waterbody or artificial watercourse where the total volume of water taken or diverted is returned within 100 metres of the take or diversion point; or
(ii) any surface waterbody or artificial watercourse where the total volume of water taken is less than 70 cubic metres per day.

Environment Southland will restrict its control to the following matters:
1. the volume, rate, frequency and timing of water to be taken or diverted including any water to be returned to the surface waterbody and the delay between the taking and return of this water;
2. any effects on aquatic ecosystems and the availability and reliability of supply for existing users, and water quality;
3. the location of the take or diversion;
4. consistency with any water conservation order; and
5. any effect on a regionally significant wetland.

Provide for in-bed diversions as a permitted activity is supported as it removes an unnecessary consent burden. However, restricting diversions to a 1 month time frame is likely to restrict many construction activities and gravel extraction activities. In addition Rule 51(d) only addresses diversions associated with land drainage. Consequently the activity would need to be assessed under Rule 49. If the diversion did not comply with allocation limits then the activity status for a small scale, temporary, in-stream diversion would be non-complying.

Amend Rule 51 to extend the 1 month timeframe and to add an additional clause addressing temporary diversion activities for purposes other than land drainage:

Rule 51 - Minor diversions of water
(a) Despite any other rule in this Plan, the diversion of water within a river or lake bed is a permitted activity provided the following conditions are met:
(i) the water is returned to its original course after completion of the activity, no later than one month after the diversion occurs;
(ii) the volume of take does not exceed 2000 litres per day or some other volume. 2000 litres per day is also likely to be problematic for temporary construction abstractions as more water than this may be needed to meet dust mitigation needs.

(b) Unless controlled by any other rule in this Plan, the diversion of water for the purposes of construction activities that does not meet Rule 51(a) to (c) is a discretionary activity.
<table>
<thead>
<tr>
<th>Sub #</th>
<th>The provisions of the Proposed Southland Water and Land Plan</th>
<th>The Fulton Hogan - Southern Aggregates submission is that:</th>
<th>Fulton Hogan - Southern Aggregates seek the following decisions from Southland Regional Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Rule 54 - Abstraction and use of groundwater (b) The non-consumptive take and use of groundwater is a permitted activity provided the following conditions are met: (i) the rate and volume of take does not exceed: (1) a maximum rate of 10 litres per second; (2) a maximum daily volume of 750 cubic metres; (3) if the degree of hydraulic connection, calculated in accordance with Appendix L.2 is not Riparian, Direct or High, the relevant surface water minimum flows and allocation limits are met; (4) any interference effects are “acceptable” in accordance with Appendix L.3; (i) the same amount of water is returned to the same waterbody or aquifer within 250 metres of the point at which it was taken; (iii) there is no significant delay between the taking and returning of the water.</td>
<td>Support Managed appropriately the non-consumptive taking of groundwater has no effect on groundwater values. On this basis providing for this activity as a permitted activity is supported.</td>
<td>Retain Rule 54</td>
</tr>
<tr>
<td>27</td>
<td>Rule 73 – Gravel extraction (a) The excavation or disturbance of the bed of any river, modified watercourse, stream or lake for the purpose of extracting gravel is a restricted discretionary activity provided the following conditions are met: (i) the quantity of gravel removed is less than 120 cubic metres per year; (ii) there shall be no extraction from flowing water or from below the Q95 level of the river; (iii) no holes or pits shall be dug and the area shall be left level and tidy on completion of the activity;</td>
<td>Support in part The 120m³/year limit means that any commercial abstraction of gravel will require consent as a discretionary activity. Despite this there are some uncertainty surrounding the restricted discretionary rule, introducing the Q95 level into Rule 73(a)(iii) is confusing and should be removed as it effectively requires work to be undertaken in the dry. In addition, Rule 73(a)(iii) is also uncertain. It is assumed that gravel extraction is to be undertaken using shallow excavations however there is no indication as to what is a hole and what is a shallow excavation.</td>
<td>Amend Rule 73 to provide further clarity: Amend Rule 73 to Gravel extraction (a) The excavation or disturbance of the bed of any river, modified watercourse, stream or lake for the purpose of extracting gravel is a restricted discretionary activity provided the following conditions are met: (i) the quantity of gravel removed is less than 120 cubic metres per year; (ii) there shall be no extraction from flowing water or from below the Q95 level of the river; (iii) no holes or pits shall be dug and the area shall be left level and tidy on completion of the activity;</td>
</tr>
<tr>
<td>28</td>
<td>Financial Contributions Maintenance or improvement of public access to and along rivers and lakes Circumstances – Where public access to or along rivers or lakes will be limited or prevented by the activity for which consent is granted.</td>
<td>Oppose Financial contributions should not apply to instances when access is temporarily limited due to construction activities and for health and safety reasons. The discussion needs to be amended to reflect this.</td>
<td>Amend to: Circumstances – Where public access to or along rivers or lakes will be permanently limited or prevented by the activity for which consent is granted.</td>
</tr>
<tr>
<td>29</td>
<td>Financial Contributions Protection, restoration or enhancement of river and lake beds Circumstances - Where the activity for which consent is granted is likely to cause or contribute to adverse effects on river and lake beds.</td>
<td>Oppose As written the financial contribution circumstances relate to any adverse effects. To avoid financial contributions being applied inappropriately, the circumstances should be refined to address significant adverse effects.</td>
<td>Amend to: Circumstances - Where the activity for which consent is granted is likely to cause or contribute to significant adverse effects on river and lake beds.</td>
</tr>
</tbody>
</table>
The Fulton Hogan - Southern Aggregates submission is that:

<table>
<thead>
<tr>
<th>Sub #</th>
<th>The provisions of the Proposed Southland Water and Land Plan</th>
<th>Fulton Hogan - Southern Aggregates seek the following decisions from Southland Regional Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oppose/Support Reasons</td>
<td>30 General – mitigation works Circumstances – Where the activity for which consent is granted will cause or contribute to adverse effects on the environment which will not be adequately offset by any of the types of contribution described elsewhere in this section. <strong>(g) Purposes</strong> – To offset the adverse effects of the activity, including protection, and/or restoration of natural or physical resources. <strong>Determination of amount</strong> – The amount of contribution will be determined by calculating a fair and reasonable level of contribution to the costs of undertaking works which are reasonably necessary to avoid, remedy or mitigate the adverse effects of the activity on the environment, including where appropriate works to protect, and/or restore natural or physical resources.</td>
<td>Amend to: Circumstances - Where the activity for which consent is granted will cause or contribute to <strong>significant</strong> adverse effects on the environment which will not be adequately offset by any of the types of contribution described elsewhere in this section.</td>
</tr>
</tbody>
</table>

**Definitions**

31 Cleanfill
Any material that when discharged into or onto land will have no or minimal adverse environmental effects, and includes virgin natural matter (e.g. clay, soil, sand, gravel or rock) and other inert products from construction or demolition activities (e.g. concrete or bricks) that are free of:

- combustible, putrescible, degradable, compostable or leachable components (e.g. animal carcasses, green/garden waste, timber, bark, cork, tree roots, new asphalt);
- hazardous substances (e.g. coal tar, or asbestos);
- products or materials derived from the treatment, stabilisation or disposal of hazardous waste; and
- materials of risk to human or animal health (e.g. medical or clinical waste); and
- liquid waste (including sludges).

**Support** The definition is based on the MFE definition which is widely understood.

**Oppose** As written the financial contribution circumstances relate to any adverse effects. To avoid financial contributions being applied inappropriately, the circumstances should be refined to address significant adverse effects.

**Amend to:**

Circumstances - Where the activity for which consent is granted will cause or contribute to significant adverse effects on the environment which will not be adequately offset by any of the types of contribution described elsewhere in this section.

**Retain definition of cleanfill.**