From:	Cory Lipinski
To:	PDP
Cc:	Vanessa Hamm
Subject:	Hearing E - Responses to the Panel"s Queries for Rangitata Diversion Race Management Limited [HB-DMS.FID110000]
Date:	Tuesday, 18 February 2025 5:17:57 pm
Attachments:	image001.png

Tēnā koe

Further to my submission at Hearing E for my client, Rangitata Diversion Race Management Limited, the Panel had requested I clarify the following (my responses are in red):

1. *What procedures (if any) does RDRML have in place if archaeological materials are discovered during the maintenance, repair, or replacement of its rock weir?*

   My client has confirmed that it does not have any specific procedures in place for if archaeological materials are discovered during earthworks associated with its rock weir because the earth disturbed is unlikely to contain any archaeological material. I canvassed the reasons for this position in my legal submissions, but I repeat them at a high level below

   a. The Rangitata River is a highly dynamic environment so in the unlikely circumstance where material is discovered it would be washed away before Heritage NZ would attend the site;
   b. My client has been undertaking earthworks in this area of the riverbed for decades and any material would have been discovered long ago; and
   c. It is impracticable (and possibly unsafe) to secure the site (and to 'tape it off' as is contemplated by the protocol).

   Mr client would like to note that the contractors it uses for its earthworks are familiar with accidental discovery protocols since they are also employed by other entities to undertake earthworks outside of a riverbed.

2. *Has RDRML contemplated obtaining an archaeological authority for earthworks associated with the maintenance, repair, or replacement of its rock weir*?

   My client has not contemplated obtaining an archaeological authorisation for the same reasons as are discussed above, it does not expect there to be any archaeological material discovered because of the nature of the works and the environment in which they are conducted.

With respect to the identification of the gaps and/or duplication between TDC's proposed plan and CRC's regional plan for rules in riverbeds I will liaise with Ms White and return in due course.

Ngā mihi,

HOLLAND BECKETT

Cory Lipinski / Solicitor

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