

Tabled at Hearing 13/03/2013

# Proposed Canterbury Land and Water Regional Plan hearing Oil Companies 13 March 2012



# Legal Submissions

- Lack of certainty
- Extent of discretion
- Which rule applies
- Carry over consents
- Definitional issues
- Planning Hierarchy and linkage to RPS
- Section 32

# Treatment in PLWWRP of HAIL sites

- The assumptions/triggers for consents
- Discrepancy between existing and proposed plans and activities
  - Permitted v non-complying
  - Inconsistent/Unfair/Uncertain treatment of effects
- Results in:
  - Selective targeting (e.g. not all HAIL sites targeted e.g. farms and rural residential subdivision )
  - Use of non-enforcement decisions
  - Non complying consents regularly and routinely sought/issued
- Significant Officer discretion and inconsistent application and approaches to similar issues.

## Application of Rule 5.6 and Contaminated Land

- Approach to contaminated land (reliance on Rule 5.6) will perpetuate issues of uncertainty, discretion, inconsistency and ad hocism.
- Should not be perpetuating existing practice.
- Oil Co's framework (Rule and policy) is more effective, efficient and certain as a "consenting instrument".
- Better reflects higher order planning documents.
  - Is more conservative but clearer.
  - More likely to lead to better and more consistent outcomes – target investment
- Provides for reasonable mixing and identifies point of compliance
  - Reflects good environmental practice
  - Addresses remobilisation issue

# Stormwater

- Need to deal effectively/fairly with non-reticulated or rural sites.
- Proposed regime requires non-complying consents (for some previously permitted activities)
- Disjunction between cause and effect
  - Use of HAIL trigger not necessarily related to effects on stormwater.
- Inconsistency between plans and issues around global consents that have been issued to date.

## Other

- Need for good environmental practice policy
- Reconciliation conditions duplicating HSNO.