Proposed Canterbury Land and Water Regional Plan hearing
Oil Companies
13 March 2012
Section 32

Planning Hierarchy and Linkage to RPS

Definitional Issues

Carry over consents

Which rule applies

Extent of discretion

Lack of certainty

Legal Submissions
Treatment in PLWRP 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".

- Addresses remobilisation issue
- Reflects good environmental practice
- Provides for reasonable mixing and identifies point of compliance
- Is more conservative but clearer
- Better reflects higher order planning documents
- More likely to lead to better and more consistent outcomes – target investment
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.
Reconciliation conditions duplicating HSO.

Need for Good Environmental Practice Policy

Other