

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of a hearing by the  
Canterbury Regional  
Council Hearing Panel  
on the proposed  
Canterbury Land and  
Water Regional Plan

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**PROVISION OF ADDITIONAL INFORMATION / CLARIFICATION OF RELIEF  
SOUGHT ON BEHALF OF Z ENERGY LIMITED, BP OIL NEW ZEALAND LIMITED  
AND MOBIL OIL NEW ZEALAND LIMITED (The Oil Companies)**

**2 April 2013**

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 **Simpson Grierson**

Barristers & Solicitors

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## PROVISION OF ADDITIONAL INFORMATION / CLARIFICATION OF RELIEF

1. The Oil Companies presented legal submissions and evidence in support of its submission and further submission to the Hearing Panel on Wednesday 13 March 2013. The Panel asked for further material/clarification on the following two matters:
  - (a) clarifications/re-drafting of the Oil Companies' suggested advice note which protected/preserved existing permissions or permitted activities under the NRRP (see paragraph 19 of Appendix 3 to David le Marquand's evidence); and
  - (b) suggested revisions to the proposed permitted activity discharge rule set out in James Court's evidence.
2. Suggested additions are shown in underlined text, and deletions in ~~strike-through~~ text.

### Protection/preservation of existing permissions or permitted activities under the NRRP

3. Paragraph 19 of Appendix 3 to David le Marquand's evidence states the following:

*Add a note to the pLWRP that will ensure those existing discharges from HAIL sites relying on NRRP provisions as a permitted activity (i.e. lawfully established before July 2004) can remain permitted/lawful subject to appropriate performance standards (i.e. suggested condition 7 to 5.164) and those issued with consents under the NRRP are confirmed as remaining valid.*
4. Having considered the Hearing Panel's comments, the Oil Companies consider that it would be preferable for the note to take the form of a rule, and that the following two rules would be the most appropriate method of providing for this relief:

**Previously permitted discharge activities under the NRRP**

Discharges from HAIL sites that were lawfully established before 4 July 2004 and/or permitted by the NRRP and where there has been no change to the nature and extent of the relevant discharge, unless that change has been otherwise permitted by the NRRP or consented, the discharge will remain permitted.

**Existing Resource Consents**

For the avoidance of doubt, any resource consents issued pursuant to the NRRP for discharges remain valid until the term of expiry for the resource consent. Until expiry of the consent, no further consent will be required under the LWRP

**Suggested revisions to the Contaminated Land Discharge rules**

5. The suggested revisions to the Contaminated Land Discharge rules are as follows:

**Rule 1X Contaminated Land Discharges**

The discharge of contaminants, to groundwater, or from land that has a hazardous substance(s) in it that is onto or into land in circumstances which may result in those contaminants entering water, is a permitted activity provided ~~one of the~~ discharge complies with conditions 1 and 2 below, or otherwise complies with condition 3:

1. There has been a detailed site investigation<sup>1</sup> provided to Council in accordance with Rule 5.168.

2. The detailed site investigation prepared in 1.1 above:

(a) finds that the discharge of contaminants is highly unlikely to be a risk to human health or the environment at present or in the future; or

(b) determines that ~~the~~ concentration of contaminants in groundwater is:

(i) Either 50 metres from the source (i.e. the notional boundary) or at the property

<sup>1</sup> Detailed Site Investigation as defined in the Contaminants NES.