
From: Mark Laurensen <MLaurensen@burtonconsultants.co.nz>
Sent: Tuesday, 17 November 2015 3:43 p.m.
To: Mailroom Mailbox
Subject: PC4 LWRP Further submission by the Oil Companies (Sub ID 65931)
Attachments: Oil Companies' further submissions (final) 17.11.15.pdf

Afternoon

Please see attached further submissions on behalf of the Oil Companies. Please confirm receipt.

Regards



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**FURTHER SUBMISSIONS BY THE OIL COMPANIES: Z ENERGY LIMITED, MOBIL OIL
NEW ZEALAND LIMITED AND BP OIL NEW ZEALAND LIMITED ON SUBMISSIONS TO
THE PROPOSED PLAN CHANGE 4 TO THE CANTERBURY LAND AND WATER
REGIONAL PLAN**

To: Freepost 1201
Plan Change 4 to the Canterbury LWRP
Environment Canterbury
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By E-Mail: mailroom@ecan.govt.nz

Name of further submitter:

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BP Oil NZ Ltd
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AUCKLAND 1149

Mobil Oil NZ Ltd
PO Box 1709
AUCKLAND 1140

Hereafter collectively referred to as the "Oil Companies".

- 1. The Oil Companies' further submissions are as contained in the attached Table.**
- 2. The Oil Companies' interest in the proposed plan is greater than the interest of the general public.**
- 3. The Oil Companies do wish to be heard in support of their further submissions.**
- 4. If others make similar submissions the Oil Companies may be prepared to consider presenting a joint case with them at any hearing.**

Dated at AUCKLAND this 17th day of November 2015

Signature on behalf of the Oil Companies:



Mark Laurensen
Authorised to Sign on Behalf of the Oil Companies

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**FURTHER SUBMISSIONS ON BEHALF OF THE OIL COMPANIES
ON SUBMISSIONS TO PROPOSED PLAN CHANGE 4 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN**

Submission	Relief Sought By Submitter	Position of Further Submitter	Reason For Support / Opposition
<p>ANZCO Foods Ltd, CMP Canterbury Ltd and Five Star Beef Ltd (65894)</p> <p>Point ID 154</p>	<p>Amend 4.13(e)(ii) as follows.</p> <p>(ii) as a second priority. does not result in avoids, remedies or mitigates the effects of any further degradation in water quality in any receiving surface waterbody that does not meet the water quality standards in Schedule 5 or any applicable water conservation order</p>	<p>Support</p>	<p>The Oil Companies agree that there may be circumstances where avoidance cannot be achieved. The Act provides for other means of addressing adverse effects. This is appropriately provided for through the revised wording proposed by the submitter.</p>
<p>Canterbury District Health Board (65911)</p> <p>Point ID 220</p>	<p>Support the addition of 4.23A and 4.23B however remove c from 4.23B</p> <p>(c) the level of additional restriction the proposed protection zone will impose on land users within the proposed protection zone</p>	<p>Oppose</p>	<p>Through submissions the Oil Companies sought deletion of Policies 4.23A and 4.23B as the policies appear to be introducing a mechanism by which new or amended community drinking-water supply protection zones could be introduced via a potentially non-notified resource consent process rather than through a plan change. Clause (c) of 4.23B does however at least recognise that proposed protection zones may impose additional restriction on land users and therefore, in the event that these policies are not deleted in their entirety, clause (c) of Policy 4.23B should be retained.</p>
<p>Canterbury District Health Board (65911)</p> <p>Point ID 235</p>	<p>Amend 5.115 as follows:</p> <p>The exercise of discretion is restricted to the following matters: ...</p> <p>9. The actual and potential effects on any land user with land located within the proposed community drinking water supply protection zone.</p>	<p>Oppose</p>	<p>New and amended community water supply takes and their corresponding protection zones have the potential to impact on existing land users and it is appropriate that such effects are identified and matters be assessed.</p>
<p>Kaikoura District Council (62898)</p> <p>Point ID 481</p>	<p>Amend PC4 to provide for:</p> <p>- All premises which require licences or a Food Control Plan under the Food Act 2014</p>	<p>Oppose</p>	<p>New and amended community water supply takes and their corresponding protection zones have the potential to impact on existing land users including requirements for additional consents. If the criteria for community drinking water supplies is reduced,</p>

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	<ul style="list-style-type: none"> - All camping grounds registered under the Camping Ground Regulations 1985 - All properties which provide for accommodation for 5 persons or more - All existing Council Water Supplies which may be used for domestic use - Marae <p>Are provided with the same level of protection as community drinking water supplies as outlined within Schedule 1 of the LWRP.</p> <p>Link the activities above to Schedule 1 to ensure they have a drinking water protection zone.</p> <p>Provide for activities in specific rules to be permitted within protection zones where the written approval of the owner/occupier which is responsible for any activities associated with the water take are obtained and supplied to the regional council.</p>		<p>the implications of corresponding protection zones may be significant. For instance where these zones extend into areas of wastewater discharges to land these will not meet the permitted activity criteria for wastewater discharges. Such zones would also have potentially significant implications for contaminated or potentially contaminated land and activities involving hazardous substances or discharges to land or water.</p> <p>The Oil Companies are opposed to amendments to the threshold for community drinking water supply takes without due regard being given the consequential effects such changes may have. As a consequence, any such amendments need to be accompanied by maps of relevant takes and corresponding protection zones and introduced via a formal plan change process to recognise that they may have significant potential impacts for existing land users including, in some instances, a requirement for additional consents for existing activities.</p> <p>To aid plan users, any such takes and zones should be included in a Schedule to the Plan so that plan users are aware of potential constraints on their activities, noting that it may be problematic to obtain written approval for such activities within protection zones.</p>
Te Runanga o Ngai Tahu (65933)	Section 4 Policies Amend to ensure water supplies that supply more than one household but fewer than 25 people also be protected	Oppose	New and amended community water supply takes and their corresponding protection zones have the potential to impact on existing land users. If the criteria for community drinking water supplies is reduced, the implications of corresponding

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Point ID 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551			<p>protection zones may be significant. For instance where these zones extend into areas of wastewater discharges to land these will not meet the permitted activity criteria for wastewater discharges. Such zones would also have potentially significant implications for contaminated or potentially contaminated land and activities involving hazardous substances or discharges to land or water.</p> <p>The Oil Companies are opposed to amendments to the threshold for community drinking water supply takes without due regard being given the consequential effects such changes may have. As a consequence, any such amendments need to be accompanied by maps of relevant takes and corresponding protection zones and introduced via a formal plan change process to recognise that they may have significant potential impacts for existing land users including, in some instances, a requirement for additional consents for existing activities.</p> <p>To aid plan users, any such takes and zones should be included in a Schedule to the Plan so that plan users are aware of potential constraints on their activities.</p>
MacKenzie District Council (53929) Point ID 328, 329, 330, 331	Delete all amendments to group drinking water supplies or community drinking water supplies within PC4 or provide alternate relief specific to water supplies operated by local authorities or specified in Schedule X.	Oppose	New and amended community water supply takes and their corresponding protection zones have the potential to impact on existing land users. Alterations to the criteria for community drinking water supplies is reduced, the implications of corresponding protection zones may be significant. For instance where these zones extend into areas

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	<p>Delete PC4 amendments to the definition of Group drinking-water supply</p> <p>Delete PC4 amendments to the definition of Community water supply</p>		<p>of wastewater discharges to land these will not meet the permitted activity criteria for wastewater discharges. Such zones would also have potentially significant implications for contaminated or potentially contaminated land and activities involving hazardous substances or discharges to land or water.</p> <p>Similarly the reintroduction of group drinking-water supply zones at this stage of the process may have unintended consequences as the rules were drafted with such zones excluded.</p> <p>The Oil Companies are opposed to amendments to the threshold for community drinking water supply takes without due regard being given the consequential effects such changes may have. As a consequence, any such amendments need to be accompanied by maps of relevant takes and corresponding protection zones and introduced via a formal plan change process to recognise that they may have significant potential impacts for existing land users including, in some instances, a requirement for additional consents for existing activities.</p> <p>To aid plan users, any such takes and zones should be included in a Schedule to the Plan so that plan users are aware of potential constraints on their activities. In this respect the submitter's alternate relief which specifies particular community drinking water supply takes is more appropriate but should be subject to a plan change process whereby such locations and their</p>

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			corresponding protection zones are mapped and subject to consultation.
<p>Waimakariri District Council (53284)</p> <p>Point ID 200, 619</p>	<p>Provide for protection for the source of water for all Council-operate[d] community drinking-water supplies</p> <p><i>The proposed change to the definition of community drinking-water supply and consequential Rule changes has merit. This change means that it will no longer be necessary to distinguish between small scale community drinking-water supplies and those serving populations of greater than 500. The requirement to use a number of people supplied as the basis for providing protection for the sources of community drinking-water supply protection carries difficulties associated with movement around the threshold selected.</i></p> <p><i>For example, if one or two of the household on the supply have visitors the number of people taking water from the supply may exceed the trigger for protection but not at other times. Similarly, a house occupied by two people may be sold to a large family and as a result the number supplied exceeds the threshold. Consideration should be given to providing for protection for the sources of all council-operated community water supplies irrespective of the number of people taking water from the supply.</i></p>	Oppose	The Oil Companies agree that this approach may have merit but consider it should be addressed via a separate plan change with such takes and their corresponding protection zones mapped to provide opportunity for public participation and to recognise that new or amended protection zones will have implications for existing land users.
<p>Christchurch City Council (65886)</p> <p>Point ID 96, 509, 510,</p>	<p>Oppose the stormwater policy and rules proposed in Variation 4 to the LWRP. Delete Policy 4.16A. Seek retention of stormwater policies and rules as in the LWRP.</p>	Oppose	The Oil Companies' submissions also opposed the proposed stormwater provisions. In particular the Oil Companies have concerns about applicants being caught up in the jurisdictional arguments between ECAN and Councils and the

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	<p><i>The Council has very significant concerns with some of the proposed changes to the policy and rules in relation to the stormwater provisions. These issues are described in the following sections.</i></p> <p><i>Soil of the predominantly deforested hills around Lyttelton Harbour and Port Levy is highly vulnerable to erosion generally and specifically tunnel gully erosion. This enables sediment in both rural and urban areas to wash into waterways and the harbour harming aquatic life.</i></p> <p><i>The LWRP enables the Council to require property owners wishing to discharge stormwater into the Council-owned stormwater network to apply for a consent from Environment Canterbury conditional on the property owner reducing the sediment load or other contaminant level to an appropriate standard prior to discharge into the Council network. Proposed Policy 4.16A directs that from 2025 Environment Canterbury will not issue consents for property owners to discharge stormwater into the Council owned network, and the Council will be responsible for managing quantity and quality of stormwater discharged into its network. The Council strongly opposes Policy 4.16A as it places the responsibility of reducing sediment load and other contaminant levels on the Council and ultimately all ratepayers, rather than on owners of properties highly vulnerable to erosion or contaminated by Hazardous Activities and Industries (HAIL).'</i></p>		<p>administrative and procedural difficulties and costs of being caught up in this. There needs to be a clear, agreed and transparent process on how these matters are managed and the process needs to be reasonable and fair to those parties that are using the systems. That does not exist at present. It needs to be clear who has responsibility for the inputs. It is recognised a number of the conditions on some comprehensive consents also create interpretative difficulties and set up a potential pseudo planning framework for discharges into systems. Further the costs and obligations become unnecessarily complicated when selected inputs attract a non-complying activity status; the basis of which is determined on an ad hoc basis between Council officers.</p> <p>Network utility operators across the country are responsible for their networks with discharge permits in place for the ultimate discharges from networks. Through the stormwater bylaw, CCC can impose requirements on parties discharging to the network. To require regional consent for discharges to CCC's reticulated network imposes unnecessary regulatory burden on activities across the city. At the very least the opportunity should be taken to establish a clear and transparent framework that will enable all parties to clearly understand their obligations and deliver consistent administration.</p>

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<p>Christchurch City Council (65886)</p> <p>Point ID 511, 512, 513, 514, 515, 516, 517, 518, 519, 520</p>	<p>Reticulated Stormwater Systems Rules 5. 93, 5. 94, 5. 94A, 5. 948, 5.94C, 5.95A, 5.95, 5.96, 5.97</p> <p>Stormwater management plans <i>The proposed provisions are inconsistent with the general direction of the Council's stormwater management plans (SMPs). The SMPs are catchment based plans to manage stormwater, however they recognise that there are stormwater discharges which may not be accepted into the Council's stormwater network because of the high risk nature of the site or site activities.</i></p> <p><i>The Council's operative interim global stormwater consent, the South West and Styx catchments global consents, and the recently lodged comprehensive global consent have specific exclusions/limits when it comes to potentially or actually contaminated sites. These conditions are the outcome of close collaboration with Environment Canterbury Consents Advisors and are attached as Appendix A to this submission.</i></p> <p><i>Further, there is a Memorandum of Understanding between the Council and Environment Canterbury which defines a decision matrix used to identify and include low risk stormwater discharges from sites identified on the Listed Land Use Register which would normally have been excluded from the consent pursuant to the conditions as given in Appendix A. The decision matrix requires in some instances that Environment Canterbury's expert contaminated sites advisors determine whether the sites are low risk or high risk. If they are determined</i></p>	<p>Oppose</p>	<p>As set out above in response to CCC's submission points regarding the corresponding stormwater policies, the Oil Companies do not accept that it is appropriate to require regional consent for stormwater discharges into the reticulated network – or at least not within the current uncertain framework. CCC's requirements should be addressed by CCC through their stormwater bylaw and should not be passed to ECAN.</p> <p>It is important to note that discharges from contaminated sites will require passive discharge consent from ECAN in any event. It is therefore unclear what role the submitter considers it will be required to take with regard to monitoring significantly contaminated sites such that they will be unable to resource it. There are major uncertainties on how discharges are categorised as being acceptable or unacceptable. For example if the only discharge from contaminated land is coming off impervious surfaces it is not clear why that should be considered a high risk. The basis for such categorisation appears arbitrary and is not transparent.</p> <p>For reasons set out in the Oil Companies submissions, it is acknowledged that an additional rule is required to ensure that from 2025 that operational discharges to the stormwater network will not default to a non-complying activity status from 2025.</p>

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	<p><i>to be low risk the Council will generally accept the discharge into the system. The Council generally accepts 90-95% of the requests it gets under our consents. The rest are either very large sites (e.g. subdivisions that need construction stage consents) or are significantly contaminated sites or sites which engage in highly hazardous activities.</i></p> <p>Council resources <i>Another significant concern following from the above discussion is that the Council does not have the resources in staff, expertise or budget currently to manage the sites which it presently excludes. It is extremely unlikely that the Council would have the resources to undertake such work (either assessing and/or monitoring significantly contaminated and other high risk sites) by the 2020 deadline as proposed in the proposed provisions.</i></p> <p>Water Supply, Wastewater and Stormwater Bylaw 2014 <i>The Council has a Water Supply, Wastewater and Stormwater Bylaw 2014. The Council's experience is that this bylaw is not the most useful approach for implementing stormwater contamination controls. There is no scope for imposing infringement fines under the bylaw, and to do so would require a regulation under the Local Government Act 2002. Under the proposed changes to the stormwater provisions the only mechanism that the Council will have to prevent contaminated stormwater from entering the system would be to use the bylaw or ignore the issue. While the Council's preference would be to manage and set conditions on stormwater discharges into the Council's</i></p>		

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	<p><i>stormwater system using their network discharge consents, the bylaw would be required to enforce such conditions. However, legal prosecution for breach of the bylaw is the only avenue of enforcement and this is not as efficient a means to manage breaches as the abatement notices and enforcement orders that are available to the CRC under the RMA.</i></p> <p>Issuing of permits <i>Under the proposed provision the policy states that after 2020 Environment Canterbury will not issue any permits to discharge stormwater into the reticulated stormwater system. The relationship between that policy and the proposed rules is unclear. There is no prohibited activity rule proposed with a start date in 2020. Is it intended that there be a rule to give effect to the policy introduced in a subsequent plan change? The Council strongly opposes the policy and any rules to implement it.</i></p>		
<p>Waimakariri District Council (53284)</p> <p>Point ID 200</p>	<p>Delete Policy 4.16A</p> <p><i>The Council is concerned about the requirement for operators of reticulated stormwater systems to manage the quality and quantity of all storm water directed to its system and discharges from its system from 1 January 2025. Its concern relates to the requirement for it to be responsible for the storm water discharges from the high risk sites such as contaminated sites, construction-phase storm water and dewatering operations, which are currently consented by Ecan. The Council considers that it is appropriate for Ecan to continue to be responsible</i></p>	<p>Oppose</p>	<p>The Oil Companies' submissions also opposed the proposed stormwater provisions. In particular the Oil Companies have concerns about applicants being caught up in the jurisdictional arguments between ECAN and Councils and the administrative and procedural difficulties and costs of being caught up in this. There needs to be a clear, agreed and transparent process on how these matters are managed and the process needs to be reasonable and fair to those parties that are using the systems. That does not exist at present.</p>

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	<p><i>for consenting the discharges from these sites as it has the specialists in this sphere.</i></p> <p><i>There would appear to be some tension between the new Policy 4.16A and the new rules covering construction-phase storm water. Prior to 2025 the Council considers that it should be able to require an Ecan consent to accompany any application to discharge construction-phase storm water into its stormwater system rather than being expected to rely on the applicants assessment that it meets Ecan permitted activity status. Despite proposed Policy 4.16A, it also considers that this arrangement should continue, as otherwise the Council considers that it would be being asked to carry an unacceptable risk, in a situation where its power to enforce standards is more limited than that of the regional council.</i></p> <p><i>The Council currently regulates access to its stormwater system through its Stormwater Bylaw 2011, and in its view, the arrangements that see high risk activities remain responsible for their discharges in accordance with the bylaw are satisfactory. The Council urges Environment Canterbury to maintain a system that provides for the high risk enterprises to be required to have their discharges consented by the Regional Council. If this situation is allowed to continue, any breaches of consent conditions by these enterprises would be subject to enforcement proceedings under the RMA with ultimate recourse to the Environment Court. Under the current proposal either the Council would be attempting to take enforcement action under its Stormwater Bylaw, or find that the Council itself is</i></p>		<p>The Oil Companies do not accept that it is appropriate to require regional consent for stormwater discharges into the reticulated network – or at least not within the current uncertain framework. WDC’s requirements should be addressed by WDC through their stormwater bylaw and should not be passed to ECAN.</p> <p>Network utility operators across the country are responsible for their networks with discharge permits in place for the ultimate discharges from networks. Through the stormwater bylaw, WDC can impose requirements on parties discharging to the network. To require regional consent for discharges to WDC’s reticulated network imposes unnecessary regulatory burden on activities across the district. At the very least the opportunity should be taken to establish a clear and transparent framework that will enable all parties to clearly understand their obligations and deliver consistent administration.</p> <p>It is important to note that discharges from contaminated sites will require passive discharge consent from ECAN in any event. It is therefore unclear what role the submitter considers it will be required to take with regard to contaminated sites.</p>

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	<i>subject to enforcement action by Environment Canterbury under the RMA.</i>		