

**BEFORE THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**ENV-2019-WLG-000122**

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

**AND**

**IN THE MATTER** of an appeal pursuant to Clause 14(1) of  
the First Schedule to the Act

**BETWEEN** Wellington Fish and Game Council  
*Appellant*

**AND** Greater Wellington Regional Council  
*Respondent*

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**NOTICE OF REPRESENTATION AT PROCEEDINGS  
UNDER SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

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To: The Environment Court Registrar  
PO Box 5027  
Wellington

1. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (“the Oil Companies”) wish to be a party to the following proceedings:
  - 1.1 ENV-2019-WLG-000122 between Wellington Fish and Game Council (“Appellant”) and Greater Wellington Regional Council (“Respondent”) in relation to the respondent’s decisions on submissions to the Proposed Wellington Regional Plan (“the Proposed Regional Plan”).
2. The Oil Companies lodged submissions on the Proposed Regional Plan on the subject matter of the proceedings.
3. The Oil Companies receive, store and distribute refined petroleum products. Within the Wellington Region, the Oil Companies own, operate and/or supply service stations, truck stops and various commercial activities, including Wellington International Airport. These facilities provide an essential service to the residents and businesses of Wellington Region.
4. The Oil Companies also own and operate bulk storage facilities and associated pipelines, located at Seaview and adjacent to Wellington Airport, from which petroleum products are distributed throughout the region and beyond. These facilities are recognised in the Proposed Regional Plan as regionally significant infrastructure and are critical to the functioning of the region as a whole.
5. The Oil Companies are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991.
6. The Oil Companies are interested in the following matters raised by the Appellant:
  - 6.1 Definition of Good Management Practice, Section 2.2 (page 6)
  - 6.2 Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai (page 16)
  - 6.3 Policy P111: Water takes at minimum flows and minimum water levels (page 18)
  - 6.4 New Policy in Section 4.9 (page 20)
  - 6.5 Rule R42: Minor discharges – permitted activity (page 21)

7. The reasons for the Oil Companies' interest in these matters are as follows:
  - 7.1 The Oil Companies seek to ensure that the provisions of the Proposed Regional Plan continue to provide appropriate recognition and provision for the Oil Companies' assets, in particular those comprising regionally significant infrastructure; and do not unreasonably and/or unnecessarily restrict the Oil Companies' development and maintenance activities and oil industry standardised procedures. The Oil Companies also seek to ensure that the Appellant's appeal does not prevent the outcomes sought in the Oil Companies' own appeal from being achieved.
  - 7.2 The Oil Companies oppose the relief sought in relation to Policy P70. In particular it may lead to imposition of unreasonable restrictions and information requirements for renewal of existing or provision of new discharges associated with their assets.
  - 7.3 The Appellant seeks to amend Policy P111 and associated rules to provide for a two-tiered system so that water saving measures are undertaken well before minimum flows are reached. The relief sought is unclear, therefore the Oil Companies oppose that part of the appeal on the basis of uncertainty. The Oil Companies wish to ensure an appropriate permitted activity pathway is available to undertake necessary dewatering activities in association with the development, maintenance and upgrading of their assets (e.g, the replacement and installation of underground petroleum storage systems).
  - 7.4 The Oil Companies oppose the new policy sought by the Appellant in Section 4.9 of the Plan as the wording is too absolute and the implications are uncertain. The Oil Companies are concerned that the Policy could unreasonably prevent necessary dewatering activities.
  - 7.5 The Appellant seeks to delete Rule R42, which provides a permitted activity pathway for minor discharges of contaminants subject to conditions. The Oil Companies oppose the relief sought. An appropriate permitted activity pathway for such discharges is considered necessary to provide for the development, maintenance, upgrading and ongoing use of the Oil Companies' assets, many of which are recognised as regionally significant infrastructure.

7.6 The Oil Companies have an interest in the relief sought in relation to the definition of Good Management Practice. The Oil Companies are not necessarily opposed to the amendments proposed, however, in some instances the implications of the relief sought are uncertain and the Oil Companies wish to be privy to any further amendments to ensure that the operation, maintenance and upgrade of their assets are appropriately provided for.

8. The Oil Companies agree to participate in mediation or other alternative dispute resolution of the proceedings.

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David le Marquand  
Principal Planning and Policy Consultant  
4Sight Consulting Limited

Dated this 9<sup>th</sup> day of October 2019

**Address for Service:**

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**A copy of this notice has been served on the following parties:**

**Greater Wellington Regional Council**

Via email: [RegionalPlanAppeals@gw.govt.nz](mailto:RegionalPlanAppeals@gw.govt.nz)

**Wellington Fish and Game Council**

Phil Teal

Via email: [pteal@fishandgame.org.nz](mailto:pteal@fishandgame.org.nz)