

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000131

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 New Zealand Transport Agency
Appellant

AND Greater Wellington Regional Council
Respondent

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

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-000131 between New Zealand Transport Agency (“Appellant”) and the 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 in Appendix A of the appeal:
 - 6.1 Policy 4: Minimising adverse effects (page 12).
 - 6.2 Policy 126: Site dewatering (page 21).
 - 6.3 Policy 12: Benefits of regionally significant infrastructure and renewable energy generation facilities (page 12).
 - 6.4 Policy 13: Providing for regionally significant infrastructure and renewable electricity generation activities (page 13).

- 6.5 The insertion of new policy “Y” pertaining to managing adverse effects arising from regionally significant infrastructure (page 13).
 - 6.6 Rule 67: All other discharges to sites of significance (page 26).
 - 6.7 Rule 69: Minor Contaminants (page 26).
 - 6.8 The insertion of a new rule for new structures, additions and alteration for regionally significant infrastructure inside sites of significance (page 35).
 - 6.9 Rule 195: Disturbance or damage inside sites of significance (page 36).
 - 6.10 Rule 205: Destruction, damage, disturbance or deposition inside sites of significance (page 37).
7. The reasons for the Oil Companies interest in these matters are as follows:
- 7.1 The Oil Companies are opposed to the relief sought regarding the reinstatement of Policy 4. The relief as drafted effectively introduces an avoidance policy requirement across the whole plan by requiring, in clause b, location of the activity away from the areas identified in Schedule A, C, E and F. This is inappropriate and contrary to the first part of the policy, which relates to minimisation. Further, it potentially conflicts with the more specific policies that apply in those areas, Policies 39, 41, 45 and 46.
 - 7.2 The policy will have implications in establishing new infrastructure and in maintaining, upgrading and replacing the Oil Companies’ existing infrastructure across the region. If a proposal in a Schedule A, C, E or F area triggers a discretionary activity or non-complying activity consent then potentially significant impediments could arise from Policy 4 in providing for the regions fuel needs.
 - 7.3 The Oil Companies are opposed to the relief sought regarding the amendments of Policy 126 and prefer the wording of the decisions version of Policy 126.
 - 7.4 The Oil Companies have an interest in the relief sought in relation to the matters identified above in paragraphs 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9 and 6.10

of this s274 notice. The Oil Companies are not opposed to the amendments proposed. However, the Oil Companies wish to be privy to any further amendments in regards to these items. In particular, 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.

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

PP. *KThomas*

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

Dated this 9th day of October 2019

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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

New Zealand Transport Agency

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