

**BEFORE THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**ENV-2019-WLG-000123**

**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 Water Limited  
*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-000123 between Wellington Water Limited (“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 Wastewater (para. 22.1)
  - 6.2 Definition of Good Management Practice (para. 25.4 and 46.1)
  - 6.3 Objective O6 (para. 10.4)
  - 6.4 Objective O12 (para. 10.5)
  - 6.5 Objective O13 (para. 10.6)
  - 6.6 Objective O20 (para. 37.3)

- 6.7 Policy P12: Benefits of regionally significant infrastructure and renewable energy generation facilities (para. 10.7)
- 6.8 Policy P13: Providing for regionally significant infrastructure and renewable electricity generation activities (para. 10.9)
- 6.9 Policy P14: Incompatible activities adjacent to regionally significant infrastructure, renewable electricity generation activities and significant mineral resources (para. 10.9)
- 6.10 Policy P27: High risk areas (para. 37.4)
- 6.11 Policy P28: Hazard mitigation measures (para. 37.5)
- 6.12 Policy P67: Minimising discharges to water or land (para. 22.8 and 25.3)
- 6.13 Policy P69: Human drinking water supplies (para. 19.1)
- 6.14 Policy P76: Minimising wastewater and stormwater interactions (para. 22.9)
- 6.15 Policy P81: Minimising and improving wastewater discharges (para. 22.10-22.11)
- 6.16 Policy P83: Avoiding new wastewater discharges to fresh water (22.11)
- 6.17 Rule R42: Minor discharges – permitted activity (para. 16.11)
- 6.18 Rule R140: Dewatering – permitted activity (para. 16.12)
- 6.19 Rule R140B: Dewatering – restricted discretionary activity (para. 16.12)
- 6.20 Rule R146: Investigation and monitoring bores – permitted activity (para. 16.13)
- 6.21 Rule R147: Drilling, construction or alteration of any bore – controlled activity (para. 16.13-16.14)
- 6.22 Map 27B: Groundwater community drinking water supply protection areas – Hutt Valley (para. 19.4)

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 request to amend the definition of "wastewater" to include stormwater. Such an amendment would have far-reaching consequences which are not fully understood, as it would mean that all provisions in the Proposed Regional Plan regarding "wastewater" would then also apply to stormwater.
- 7.3 Furthermore, the Appellant seeks to amend Policy P76 to require progressive reduction of wastewater contamination of stormwater, or some alternative standard more achievable than progressive elimination. The implications of the amendment are not certain, particularly in light of the Appellants request to amend the definition of wastewater, therefore the Oil Companies wish to join this matter as an interested party.
- 7.4 The Appellant seeks to amend Rule R42, which provides for minor discharges of contaminants as a permitted activity subject to conditions, to include a condition that the discharges shall be outside a community drinking water supply protection area. The Oil Companies oppose the relief sought, noting that the entire urban area of Lower Hutt is identified as a community drinking water supply protection area. The amendment would mean that all minor discharges in those areas trigger consent, including discharges which have been deemed by a SQEP<sup>1</sup> to not present any unacceptable risk.
- 7.5 On a similar note, the Oil Companies oppose the Appellant's request to amend Rules R140, R140B, R146 to add a condition requiring that dewatering or ground disturbance and bores not be proximate to a production well for community drinking water supply. The relief sought does not recognise that dewatering or ground disturbance and bores (i.e. trenches for underground pipelines and tank pits to replace and install underground petroleum storage systems) may be

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<sup>1</sup> Suitably Qualified and Experienced Practitioner as defined in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

located near a production well yet not present any risk to the community drinking water supply.

7.6 The Oil Companies oppose the relief sought with respect to Rule R147, as it would mean that bores deeper than 5m within a community drinking water supply protection area and within the Hutt Valley aquifer zone cannot be considered as a controlled activity.

7.7 The Appellant seeks to amend Map 27b by enlarging the area depicted as a community drinking water supply protection area. The Oil Companies oppose the relief sought, noting that no Section 32 analysis has been undertaken.

7.8 The Oil Companies have an interest in the relief sought in relation to the definition of “good management practice”, Objectives O6, O12, O13 and O20, Policies P12, P13, P14, P27, P28, P67, P69, P81 and P83. The Oil Companies are not necessarily opposed to the amendments proposed, however, 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

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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 Water Limited**

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**Minister of Conservation**

Via Email: [kanton@doc.govt.nz](mailto:kanton@doc.govt.nz)