

Proposed Natural Resources Plan:

Submitter:

The Oil Companies

Submitter Number:

S55

Wellington Regional Council
21 SEP 2015

**SUBMISSION ON THE PROPOSED NATURAL RESOURCES PLAN
FOR GREATER WELLINGTON REGIONAL COUNCIL**

25 September 2015

To: Freepost 3156
The Proposed Natural Resources Plan
The Greater Wellington Regional Council
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By Email: regionalplan@gw.govt.nz

Name: Z Energy Ltd
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BP Oil Ltd
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Mobil Oil NZ Ltd
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(the Oil Companies)

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1 INTRODUCTION

- 1.1 Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (*the Oil Companies*) receive, store and distribute refined petroleum products.
- 1.2 The Oil Companies core business relates to the operation and management of their individual service station networks, commercial refuelling facilities and bulk storage (Terminal) facilities at ports and airports and associated pipelines. The Oil Companies also supply petroleum products to individually owned businesses. Hydrocarbons are the principal substance managed by the Oil Companies.
- 1.3 Within the Greater Wellington Region, the Oil Companies own, operate and/or supply the bulk fuel terminals, service stations and truck stops and supply various commercial activities.
- 1.4 Under the Resource Management Act 1991 (RMA), the Oil Companies bulk storage facilities and pipeline infrastructure are a significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated.
- 1.5 The Oil Companies seek to ensure that the provisions of the Proposed Natural Resources Plan do not unreasonably and/or unnecessarily restrict the Oil Companies' development and maintenance activities and oil industry standardised procedures

2 THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THE OIL COMPANIES SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

- 2.1 This submission relates specifically to the following provisions of the Proposed Plan:
 - Chapter 3: Objectives 12, 13, 20, 40, 41, 43, 44, 46, 51, 53, 54.
 - Chapter 4: Policies 4, 5, 13, 14, 15, 16, 23, 25, 27, 28, 48, 58, 59, 67, 68, 70, 73, 79, 89, 90, 95, 97, 98, 102, 126, 130, 132, 138, 139, 145.
 - Chapter 5: Rules 12, 21, 26, 32, 33, 42, 48, 49, 54, 55, 56, 57, 69, 99, 112, 114, 130, 140, 147, 149, 168, 169, 172, 182.
 - Definitions: Good Management Practice, Regionally Significant Infrastructure, Contaminate Land, Bore, Dewatering, Earthworks.
- 2.2 The rationale for the Oil Companies submission on each of these matters, the specific provision submitted on and the relief sought is set out in the attached schedule.

Amendments to the proposed provisions are shown as deletions in strikethrough and additions in underline.

2.3 The Oil Companies also seek the following general relief:

That in giving effect to the general and specific relief set out in the attached Schedules ensure that the provisions of the Proposed Natural Resources Plan of the Greater Wellington Regional Council raised by this submission

- (a) Address the relevant provisions in sections 5-8 RMA;
- (b) Implement the statutory tests in section 32 and the requirements in the First Schedule RMA;
- (c) Address relevant statutory functions of the consent authority and the related statutory requirements for the Proposed Natural Resources Plan;
- (d) Ensure there is no duplication of the provisions or double jeopardy with more than one rule being required for the same activity.
- (e) Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission
- (f) Avoid, remedy or mitigate the relevant and identified environmental effects.

THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION

IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT-

(A) ADVERSELY AFFECTS THE ENVIRONMENT; AND

(B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Dated at TAKAPUNA this 25th day of September 2015

Signature of person authorised to sign on behalf of The Oil Companies

Maree Drury
Principal Planner

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(as per cover sheet)

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Schedule 1: Specific submissions of the Oil Companies to the Greater Wellington Regional Council Proposed Natural Resources Plan

Reference	Support/ Oppose	Decision Sought	Reasons
Chapter 3- Objectives			
Section 3.2 Beneficial Use and Development. O12	Support	<p>Retain O12 without further modification Objective O12 <i>The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised.</i></p>	The Oil Companies seek that Objective 12 be retained without modification. The objective recognises the value of regionally significant infrastructure in the Wellington region.
Section 3.2 Beneficial Use and Development. O13	Support	<p>Retain Objective O13 without further modification <i>The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.</i></p>	The Oil Companies seek that Objective 13 be retained without modification. The objective recognises the value of regionally significant infrastructure in the Wellington region and protect such infrastructure from reverse sensitivity effects.
Section 3.4 Natural Character, Form and Function O20	Oppose	<p>Modify O20 as follows: <i>The risk, residual risk, and adverse effects from natural hazards and climate change on people, the community and infrastructure are acceptable appropriately managed so that risks remain acceptable.</i></p>	Objective 20 introduces a subjective judgment when advocating "acceptable risk" In some circumstances a degree of risk may be acceptable and/or the management approach sufficiently precautionary – the focus should be on 'appropriate management' of risk not the risk of a hazard occurring per se. . Levels of acceptable risk may vary depending upon the nature of the activity.
Section 3.8 Air O40	Support	<p>Retain Objective O40 without further modification <i>Human health, property, and the environment are protected from the adverse effects of point source discharges of air pollutants.</i></p>	The Oil Companies seek that Objective 40 be retained without modification.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 3.8 Air O41	Oppose	<p>Modify Objective O41 as follows <i>The adverse effects of odour, smoke and dust on amenity values and people's well-being are reduced, are avoided, remedied, or mitigated</i></p>	<p>The RMA requires that adverse effects are avoided, remedied or mitigated. There may be circumstances where the nature of the land use is such that odour effects cannot be reduced e.g are already applying the BPO. The need for a general reduction across the region for these matters for all discharges has not been appropriately justified. A reduction requirement is likely to pose potential issues for all new discharges</p> <p>Objective 43 focuses on the appropriate management of contaminated land to protect human health and the environment from adverse effects.</p>
Section 3.9 Soil O43	Support	<p>Retain O43 without further modification <i>Contaminated land is managed to protect human health and the environment</i></p>	
Section 3.10 Land Use O44	Oppose	<p>Modify Objective O44 as follows <i>The adverse effects on soil and water from land use activities are minimised avoided, remedied, or mitigated</i></p>	<p>Act requires that adverse effects are avoided, remedied or mitigated. There may be circumstances where past land use effects on soil and water cannot be reduced to the smallest possible amount but must be managed, e.g some contaminated land where there may need to be controls on the future use of the land</p>
Section 3.11 Discharges O46	Oppose	<p>Modify Objective O46 as follows. <i>Discharges to land are managed to reduce the adverse effects of runoff or leaching of contaminants to water</i></p>	<p>Objective 46 should focus on the management of adverse effects of discharges to land. In some cases historical contamination of land results in leaching of contaminants to groundwater which cannot be reduced until natural attenuation has occurred. Where there are no adverse effects of allowing natural attenuation, reduction of offsite migration may not be necessary.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 3.11 Discharges O51	Oppose	<p>Modify Objective O51 as follows <i>The discharge of hazardous substances is managed to avoid adverse effects on protect human health, property and the environment</i></p>	<p>Objective 51 needs to be amended to reflect that management cannot always result in complete protection but should have the objective of avoiding adverse effects e.g existing contaminated sites which continue to discharge hazardous substances cannot "protect" the environment.</p>
Section 3.13 Coastal Management O53	Support	<p>Retain Objective O53 without further modification <i>Use and development in the coastal marine area has a functional need or operational requirement to be located there</i></p>	<p>Objectives 53 and 54 are supported as they recognise the functional need and operational requirement for some industries including petroleum energy to be located within the CMA for transport and distribution.</p>
Section 3.13 Coastal Management O54	Support	<p>Retain Objective O54 without further modification <i>Use and development makes efficient use of any occupied space in the coastal marine area</i></p>	<p>As per above</p>

Chapter 4- Policies

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 4.1 Policy 4: Ki uta ki tai and integrated catchment management</p>	<p>Oppose</p>	<p>Modify Policy 4 as follows: Policy P4: Minimising adverse effects <i>Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall may include:</i> (a) <i>consideration of alternative practicable locations and methods for undertaking the activity that would have less adverse effects, and including where relevant, a location outside of the</i> (b) locating the activity away from <i>areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and</i> (b) <i>timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and</i> (c) <i>using good management practices for reducing the adverse effects of the activity, and</i> (d) <i>designing the activity so that the scale or footprint of the activity is as small as practicable.</i> (e) <i>Adoption of the best practicable option.</i></p>	<p>There is repetition within this policy which can be rationalised. The policy also needs to maintain focus on effects rather than prescribing methods. The Oil Companies recommend that Policy 4 be redrafted to give recognition of best practicable option provisions in the RMA.</p>
<p>Section 4.1 Policy P5: Review of existing consents</p>	<p>Oppose</p>	<p>Modify Policy P5 as follows: <i>The conditions of existing resource consents for discharges of contaminants to fresh or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991 where evidence can be produced of adverse effects attributable to the exercise of the consent</i></p>	<p>Although the integrated collaborative planning model is commended, the uncertainty placed on existing consent holders is not welcomed. Industries and services make significant investment decisions on the basis of the certainty of access to and use of resources as granted through resource consents. Although it is recognised that section 128 RMA allows for a review of those conditions by Council there is the potential for several plan changes processes to be initiated through Whaitua committee initiatives during</p>

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			<p>the term of a typical consent term. This will reduce certainty to existing consent holder and affect investment decisions.</p> <p>The Oil companies seek that the frequency and scope of the effect of plan changes on existing consent limits is limited to only address section 128(a)(i) matters i.e. where an adverse effect on the environment can be clearly demonstrated to be the result of the exercise of an individual consent.</p>
<p>Section 4.2 Beneficial use and development Policy 12: Benefits of regionally significant infrastructure and renewable electricity generation facilities</p>	<p>Support</p>	<p>Retain Policy 13 without further modification <i>The use, operation, maintenance, and upgrade of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate</i></p>	<p>Retain recognition of the value of regionally significant infrastructure and, in particular the recognition that significant infrastructure has to be upgraded to meet demands and it is appropriate this should be generally enabled.</p>
<p>Section 4.2 Beneficial use and development Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities</p>	<p>Support in part</p>	<p>Modify Policy 14 as follows: <i>Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects.</i></p>	<p>Reverse sensitivity is not the only concern associated with incompatible development in close proximity to significant infrastructure. Direct effects, such as damage or restriction of access to infrastructure, encroachment of sensitive activities can also compromise the safe operation, maintenance and upgrade of infrastructure and Policy 14 should be amended to acknowledge this. Further, Policy 8 of the Operative Regional Policy Statement for the Wellington Region is not confined to reverse sensitivity, but deals with effects more generally arising from incompatible development. Policy 14, therefore, needs to be amended to appropriately give effect to the RPS.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.2 Beneficial use and development Policy P15: Flood protection activities	Support	<p>Retain Policy 15 without further modification: <i>The use, maintenance and ongoing operation of existing catchment based flood and erosion risk management activities which manage the risk of flooding to people, property, infrastructure and communities are beneficial and generally appropriate</i></p>	<p>Retain recognition of the importance of flood and erosion protection structures to regionally significant infrastructure and allow for new erosion and/or flood protection structures or other works when regionally significant infrastructure is at risk. As per above</p>
Section 4.2 Beneficial use and development Policy P16: New flood protection and erosion control	Support	<p>Retain Policy 16 without further modification <i>The social, cultural, economic and environmental benefits of new catchment based flood and erosion risk management activities are recognised.</i></p>	
Section 4.4 Natural Form and Function	Support	<p>Retain Policy 23 without further modification <i>The ecological health and significant values of Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Lake Wairarapa will be restored overtime by:</i></p> <ul style="list-style-type: none"> (a) <i>managing activities to reduce sedimentation rates and pollutant inputs, and</i> (b) <i>managing erosion-prone land and riparian margins in their catchments, and</i> (c) <i>undertaking planting and pest management programmes in harbour and lake habitats and ecosystems</i> 	<p>Recognises management for significant values and time required to reduce sediment rates and pollution input.</p>
Section 4.4, 4.4.2 Natural character Policy P24: Natural character	Support	<p>Retain Policy 25 without further modification <i>Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</i></p> <ul style="list-style-type: none"> (a) <i>the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</i> (b) <i>the presence or absence of structures and buildings, and</i> 	<p>The Oil Companies support Policy 25 as it recognises functional need or existing use limits on location and development options. It is recommended that the policy be retained without amendment</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 4.4, 4.4.4 Natural hazards Policy P27: High hazard areas</p>		<p>(c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and whether it is practicable to protect natural character from inappropriate use and development through:</p> <p>(d) using an alternative location, or form of development that would be more appropriate to that location, and considering the extent to which functional need or existing use limits location and development options</p> <p>(f) Retain Policy 27 but with the following modification</p> <p>Use and development, including hazard mitigation methods, in high hazard areas shall be avoided except where:</p> <p>(a) they have a functional need or operational requirement or there is no practicable alternative to be so located, and</p> <p>(b) the risk to the development and/or residual risk after hazard mitigation measures, assessed using a risk-based approach, is <u>low acceptable</u>, and</p> <p>(c) the development does not cause or exacerbate natural hazards in other areas, and</p> <p>(d) interference with natural processes (coastal, fluvial and lacustrine processes) is minimised, and</p> <p>(e) natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change and sea level rise, are taken into account.</p>	<p>The Oil Companies support Policies P27 and 28. The policies recognise functional needs or operational requirements and adopts a risk based approach to development and protection of infrastructure which is supported. However the threshold requirement of low risk is not consider appropriate. Any activity that has a functional need to locate in such a high hazard area should only need to demonstrate that the risk posed is acceptable – that may include allowing for certain levels of damage to structures. The alternative could end up requiring substantial over investment in over designing structures.</p>
<p>Section 4.4, 4.4.4 Natural hazards Policy P28: Hazard mitigation measures</p>	Support	<p>Modify Policy 28 as follows Hard engineering mitigation and protection methods shall be avoided except where it is necessary to protect existing development from unacceptable risk, assessed using the risk-based approach, and the works either form part of a hazard management strategy or the environmental effects are considered to be no more than minor <u>or it is for regionally significant infrastructure.</u></p>	<p>It is important to recognise that regionally significant infrastructure may need to be protected by hard engineering works and the effects of such works may be more than minor in some circumstances but wider community benefits could be adversely affected if such works did not occur. It is therefore considered appropriate that</p>

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<p>Section 4.6.4 Sites with significant historic heritage value Policy P46: Managing adverse effects on sites with significant historic heritage value</p>	<p>Oppose</p>	<p>Modify Policy 48 as follows <i>More than minor adverse effects on the significant historic heritage values identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds), Schedule E3 (navigation aids), Schedule E4 (archaeological sites) and Schedule E5 (freshwater heritage) shall be avoided, remedied or mitigated by managing activities so that:</i></p> <ul style="list-style-type: none"> (a) <i>significant historic heritage values are not lost, damaged or destroyed, and</i> (b) <i>effects are of a low magnitude or scale, or effects are reversible, and</i> (c) <i>interconnections and linkages between sites are not significantly altered or lost, and</i> (d) <i>previous damage to significant historic heritage values is remedied or mitigated where relevant, and</i> (e) <i>previous changes that have significant historic heritage value in their own right are respected and retained, and</i> (f) <i>adjacent significant historic heritage values are unlikely to be adversely affected, and</i> (g) <i>unique or special materials and/or craftsmanship are retained, and</i> (h) <i>the activities do not lead to cumulative adverse effects on historic heritage.</i> (i) <u><i>there is recognition of the need to maintain, replace or alter existing regionally significant infrastructure affixed to or otherwise dependent on heritage structures</i></u> 	<p>regionally significant infrastructure be recognised, otherwise there is a potential conflict with Policy 139.</p>
			<p>The intent of Policy 46 is supported however there needs to be recognition of existing infrastructure affixed to or associated with historical heritage structures such as the wharf line fixed to Point Howard and Seaview Wharf (Map 9 Schedule E2, Point Howard Wharf) and maintenance and inspection requirements on that wharf line. These activities are unlikely to create more than minor adverse effects as allowed for by the policy.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.7 Air Quality Policy 58 Industrial discharges	Support	<p>Retain Policy 58 without further modification <i>Industrial point source discharges and fugitive emissions into air will be minimised by using good management practices.</i></p>	<p>The Oil Companies support Policy 58 as the focus is on managing point source and fugitive discharge through good management practices</p>
Section 4.7 Air Quality Policy 59 Industrial point source discharges	Support	<p>Retain Policy 59 without further modification <i>The significant adverse effects from industrial point source discharges of hazardous air pollutants beyond the boundary of the property where the discharge is occurring, including any noxious or dangerous effects on human health or the environment, shall be avoided</i></p>	<p>The Oil Companies support management of significant adverse effects beyond site boundaries.</p>
Section 4.8 Discharges to land and Water Policy P67: Minimising effects of discharges	Support	<p>Modify Policy 67 as follows <i>The adverse effects of discharges of contaminants to land and water will be minimised by:</i></p> <ul style="list-style-type: none"> (a) <i>avoiding the production of the contaminant, and/or</i> (b) <i>reusing, recovering or recycling the contaminant, and/or</i> (c) <i>minimising the volume or amount of the contaminant in the discharge, and/or</i> (d) <i>using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge where appropriate, and</i> (e) <i>irrespective of actions taken in accordance (a) to (d) above, where a discharge is a point source discharge to a river or stream, the discharge achieves the water quality standards in Policy P71 after reasonable mixing.</i> 	<p>The Oil Companies support Policy 67 as it provides a range of options that include treatment of contaminants prior to discharge and receiving environment standards after mixing in river or stream. However the focus in (c) should be on the contaminants not the volume of the discharge per se. For example for the discharge of bund testing waters it would be difficult to reduce the volume of that discharge because certain volumes are required to be used to provide an appropriate bund test, what can be minimised is any entrainment of contaminants. It is therefore considered appropriate that the policy reflect that.</p>
Section 4.8 Discharges to land and Water Policy : Inappropriate discharges to water	Oppose	<p>Modify Policy 68 as follows <i>Discharges to fresh and coastal water of:</i></p> <ul style="list-style-type: none"> (a) <i>untreated wastewater, except as a result of extreme weather-related overflows or wastewater system failures or from recreational boating activities, and</i> (b) <i>animal effluent from an animal effluent storage facility or from an area where animals are confined, and</i> 	<p>The Oil Companies seek clarification within this policy to ensure it only addresses point source discharges from the operational areas of the site where contaminated discharges may reach water. It should not include discharges from low risk areas of industrial sites such as office blocks or ground soakage in landscape areas. Stormwater</p>

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		<p>(c) <i>untreated industrial or trade waste from at risk operational areas of sites, and</i></p> <p>(d) <i>untreated organic waste or leachate from storage of organic material shall be avoided</i></p>	<p>from low risk areas may not be treated prior to discharge when guideline values can be met (e.g MFE 1998: Environmental Guidelines for water discharges from petroleum sites) and receiving water quality standards are able to be met.</p>
<p>Section 4.8 Discharges to land and Water Policy 70 Managing point source discharges for aquatic ecosystem health and mahinga kai</p>	<p>Oppose</p>	<p>Modify Policy 70 as follows:</p> <p>Where an objective in Table 3.4, Table 3.5, Table 3.6 or Table 3.8 of Objective O25 is not met, point source discharges to water shall be managed in the following way:</p> <p>(a) <i>for an existing activity that contributes to the objective not being met, the discharge is only appropriate if:</i></p> <p>(i) <i>the application for resource consent includes a defined programme of work for upgrading the activity and/or discharge quality, in accordance with good management practice, within the term of the resource consent, and</i></p> <p>(ii) <i>conditions on the resource consent require the reduction of adverse effects of the activity in order to improve water quality in relation to the objective within the term of the consent, and</i></p> <p>(b) <i>for a new activity, the discharge is only appropriate if the activity would not cause the affected fresh water body or area of coastal water to become any worse in relation to the objective.</i></p> <p><i>In assessing the appropriateness of a new or existing discharge, the ability to offset residual adverse effects may be considered.</i></p> <p>Retain Policy 73 without further modification</p> <p><i>The adverse effects of stormwater discharges shall be minimised, including by:</i></p> <p>(a) <i>using good management practice, and</i></p> <p>(b) <i>taking a source control and treatment train approach to new activities and land uses, and</i></p> <p>(c) <i>implementing water sensitive urban design in new subdivision and development, and</i></p>	<p>The Oil Companies seek inclusion of improved treatment methods as an option for managing the quality of point source discharges as well as upgrades to the activity itself to reduce contaminants in point source discharges. This will provide recognition that in some cases treatment is the best practicable option.</p>
<p>Section 4.8.3 Stormwater Policy 73 Minimising adverse effects of stormwater discharges</p>	<p>Support in part</p>		<p>The Oil Companies support recognition of good management practices however, request inclusion of guideline documents applicable to the oil industry as per submission on good management practice in definitions section below.</p>

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<p>Section 4.8.3 Stormwater Policy 79: Managing land use impacts on stormwater</p>	<p>Support</p>	<p>(d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade</p> <p>Retain Policy 79 without further modification Land use, subdivision and development, including stormwater discharges, shall be managed so that runoff volumes and peak flows:</p> <p>(a) avoid or minimise scour and erosion of stream beds, banks and coastal margins, and</p> <p>(b) do not cause new or exacerbate existing risk to human health or safety, or exacerbate the risk of inundation, erosion or damage to property or infrastructure, including by retaining, as far as practicable, pre development hydrographs and overland flow paths in new subdivision and development.</p>	<p>Policy 79 is only supported while there is recognition in section (b) (our emphasis) including by retaining, as far as practicable, pre development hydrographs and overland flow paths in new subdivision and development.</p> <p>There may be instances where new developments and the associated increasing impervious surfaces cannot retain predevelopment hydrographs but still represent good management practice e.g the development of contaminated land where retention may be an issue in terms of the underlying contaminants. .</p>
<p>Section 4.8.6 Contaminated land, hazardous substances and landfills Policy 89 Contaminated land, hazardous substances and landfills</p>	<p>Support</p>	<p>Retain Policy 89 without further modification The discharge of hazardous substances from contaminated land, including closed landfills, is managed so that the significant adverse effects on fresh water, including groundwater, coastal water, and air is minimised</p>	<p>The Oil Companies support management of contaminated land to avoid significant adverse effects on water and air</p>
<p>Section 4.8.6 Contaminated land, hazardous substances and landfills Policy P90: Discharges of hazardous substances</p>	<p>Oppose</p>	<p>Modify Policy 90 as follows The risk associated with the discharge of a hazardous substance to land (including accidental discharges), fresh water, including groundwater, or coastal water from the use, and storage and transport of hazardous substances shall be managed by the use of good management practices.</p>	<p>The Oil Companies supports the general intent of Policy 90, particularly its adherence to good management practice. However, transport of hazardous substances is controlled through the Land Transport Act and HSNO and does not require further regulation in regional plans. Adopting good management practices on all roads to</p>

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Section 4.8.8 Discharges to land Policy 95: Discharges to land	Oppose	<p>Modify Policy 95 as follows</p> <p><i>The discharge of contaminants to land shall be managed by:</i></p> <ul style="list-style-type: none"> (a) <i>ensuring the discharge does not result in more than minor adverse effects to soil health, and</i> (b) <i>avoiding discharges that would create contaminated land, and</i> (c) <i>not exceeding the natural capacity of the soil to treat, use or remove the contaminant, and</i> (d) <i>not exceeding the available capacity of the soil to absorb and infiltrate the discharge, and</i> (e) <i>minimising effects on public health and amenity, and</i> (f) <i>not resulting in a discharge that enters water</i> <p><i>ensuring the discharge does not result in more than minor adverse effects on water.</i></p>	<p>address accidental discharges is likely to involve significant costs which is unlikely to be in proportion to the risks posed by such spills. It is recommended that this policy be amended to focus on the management of risk at locations where they hazardous substances are stored and used and to avoid duplication of controls provided by the Land Transport Act and HSNO</p> <p>The Oil Companies support recognition of no more than minor effect adverse effects on soil health and not exceeding the natural capacity of the soil to treat contaminant, and minimising effects on public health and amenity. However all discharges to land have the capacity to result in a discharge which enters water as contaminants may travel into groundwater. The policy should be amended to reflect management of adverse impacts on water rather than a blanket prohibition on contaminants entering water.</p>
Section 4.8.10 Earthworks and Vegetation Clearance. Policy 97: Managing sediment discharges	Support	<p>Retain Policy 97 without further modification</p> <p><i>The discharge of sediment to surface water bodies and coastal water from earthworks activities shall be minimised by using a source control approach.</i></p> <p><i>Good management practices shall be used in site management, erosion and sediment control design operation and maintenance in order to minimise the adverse effects of sediment-laden stormwater discharges.</i></p> <p><i>Effects that cannot be minimised may be appropriately offset.</i></p>	<p>The Oil Companies support use of good management practices and source control methods provided addition of good management practice guidelines requested (see definitions section)</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 4.8.10 Earthworks and Vegetation Clearance. Policy 98 Accelerated soil erosion</p>		<p>Retain Policy P98 without further modification Earthworks, vegetation clearance and plantation forestry harvesting activities that have the potential to result in significant accelerated soil erosion, or to lead to off-site discharges of silt and sediment to surface water bodies, shall use measures, including good management practice, to:</p> <ul style="list-style-type: none"> (a) minimise the risk of accelerated soil erosion, and (b) control silt and sediment runoff, and (c) ensure the site is stabilised and vegetation cover is restored 	<p>As per above</p>
<p>Section 4.8.12 Activities in beds of lakes and rivers Policy 102: Reclamation or drainage of the beds of lakes and rivers</p>	<p>Support</p>	<p>Retain Policy 102 without further modification The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided except where the reclamation or drainage is:</p> <ul style="list-style-type: none"> (a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or (b) associated with a qualifying development within a special housing area, or (c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or (d) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or (e) associated with the creation of a new river bed and does not involve piping of the river, and (f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or (g) the reclamation or drainage is of an ephemeral flow path. <p>For the purpose of this policy the piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.</p>	<p>It is consistent with section 5 of RMA to support the development, operation, maintenance and upgrade of regionally significant infrastructure and to exclude most piping and covering of streams for crossing from the definition of reclamation in this policy. This will ensure the majority of upgrade and maintenance activities within stream beds are recognised.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 4.9 Taking, using, damming and diverting water Section 4.9.4 Managing Adverse effects Policy 126: Site dewatering</p>	<p>Oppose</p>	<p>Modify Policy 126 as follows <i>Localised land subsidence or significant adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water shall be minimised.</i></p>	<p>Site dewatering by the Oil Companies for service station tank replacement, if required, usually only occurs for less than 5 -10 days. As a result the Oil Companies consider the policy should be directed at significant adverse effects as short term effects will be less than minor and adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water can be minimised.</p>
<p>Section 4.9.7 Constructing and managing bores Policy P130: Bores</p>	<p>Support</p>	<p>Retain Policy 130 without further modification <i>Bores, including new bores, shall:</i> (a) <i>be sited to ensure adequate separation from existing bores, avoid an over-concentration of bores in a particular area (except where intensive investigation is required on a site for geotechnical, contamination or other investigative purposes), and to minimise adverse effects on the reliability of supply from properly constructed, efficient and fully functioning existing bores, and</i> (b) <i>be constructed, and bore logs and other records be prepared, in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</i> (c) <i>be used in a manner that prevents:</i> (i) <i>contaminants from entering the bore from the land surface, and</i> (ii) <i>the waste of water.</i></p>	<p>The Oil Companies support recognition in the policy of multiple bores constructed over a site for the purpose of geotechnical investigations for monitoring and land contamination investigations.</p>
<p>Section 4.10.1 Primary coastal policies Policy 132: Functional need and efficient use</p>	<p>Support</p>	<p>Retain Policy 132 without further modification <i>Use and development in the coastal marine area shall:</i> (a) <i>have a functional need, or</i> (b) <i>have an operational requirement to locate within the coastal marine area, and no reasonable or practicable alternative to locating in the coastal marine area, or</i></p>	<p>The Oil Companies support Policies 132 in that they recognise the function and operational requirements of some industries to locate within or adjacent to the Coastal Marine Area.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 4.10.2 Structures Policy P138: Structures in sites with significant values</p>	<p>Support</p>	<p>(c) for any other activity, it shall have no reasonable or practicable alternative to locating in the coastal marine area, and in respect of (a), (b) and (c): (d) only use the minimum area necessary, and (e) be made available for public or multiple use where appropriate, and (f) result in the removal of structures once redundant, and (g) concentrate in locations where similar use and development already exists where practicable.</p> <p>Retain Policy P138 without further modification New structures, replacement of a structure or any addition or alteration to a structure in a site identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J (geological features) shall be avoided, except where: (a) the new structure, replacement of the structure or any addition or alteration to the structure is for the specific purpose of providing protection for the values identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features), or (b) the structure is for educational, scientific or research purposes that will enhance the understanding and long-term protection of the coastal marine area, or (c) the structure will provide for navigational safety, or (d) it is necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, and in respect of (a) to (d): (e) there are no practicable alternative methods of providing for the activity.</p>	<p>The Oil Companies support Policy 138 in that it recognise the function and operational requirements of regionally significant infrastructure within or adjacent to the Coastal Marine Area.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 4.10.2 Structures Policy P139: Seawalls</p>	<p>Support</p>	<p>Retain Policy 139 without further modification <i>The construction of a new seawall is inappropriate except where the seawall is required to protect:</i> (a) <i>existing, or upgrades to, infrastructure, or</i> (b) <i>new regionally significant infrastructure,</i> <i>and in respect of (a) and (b):</i> (c) <i>there is no reasonable or practicable alternative means; and</i> (d) <i>suitably located, designed and certified by a qualified,</i> (e) <i>professional engineer, and</i> <i>designed to incorporate the use of soft engineering options where appropriate.</i></p>	<p>The Oil Companies seek assurance that existing infrastructure and regionally significant infrastructure at risk of sea level rise and severe weather events such of the Bulk fuel terminals at Seaview can be protected by the construction or extension of seawalls as required.</p>
<p>Section 4.10.2 Structures Policy 145: Reclamation, drainage and destruction</p>	<p>Support</p>	<p>Retain Policy P145 without further modification <i>Reclamation, drainage or destruction in the coastal marine area shall be avoided except where:</i> (a) <i>the reclamation, drainage or destruction is associated with the development, operation, maintenance and upgrade of regionally significant infrastructure, and</i> (b) <i>there are no other locations outside the coastal marine area for the activity associated with the reclamation, drainage or destruction, and</i> (c) <i>there are no practicable alternative methods of providing for the associated activity.</i></p>	<p>The Oil Companies support recognition of the potential need to undertake reclamation, drainage and destruction in order to develop, operate maintain or upgrade regionally significant infrastructure.</p>
<p>Chapter 5 - Rules</p>			
<p>Section 5.1.4 Large Scale Combustion Activities Rule R12: Emergency power generators – permitted activity</p>	<p>Support</p>	<p>Retain Rule 12 without further modification <i>The discharge of contaminants into air from combustion equipment not exceeding a maximum generating capacity of 300kW, but up to 2MW in (a) applies from the combustion of diesel, petrol, natural gas or liquefied petroleum gas, to provide emergency power generation, when:</i> (a) <i>the electricity network is disrupted through weather, accidents, or any unforeseen circumstances, or</i></p>	<p>The Oil Companies support recognition the need for emergency generators including generators of up to 2MW during disruption of the electricity network. It is not realistic to seek resource consent during an emergency power situation.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 5.1.5 Chemical and metallurgical processes Rule 21: Thermal metal spraying – permitted activity</p>	<p>Support</p>	<p>(b) the person operating the equipment is undertaking necessary maintenance or testing of the device, or (c) the electricity connection is not available is a permitted activity, provided the following conditions are met: (d) the discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and (e) the discharge shall not at any time increase the concentration of PM10 (calculated as a 24-hour mean) by more than 2.5µg/m3 in any part of a polluted air shed</p> <p>Retain Rule 21 without further modification</p> <p>The discharge of contaminants into air from thermal spraying of metal including the melting of metal or metal alloy is a permitted activity, provided the following conditions are met:</p> <p>(a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and (b) there is no emission of hazardous air pollutants as identified in Schedule L2 (air pollutants) beyond the boundary of the property, and (c) the discharge is through control equipment that achieves a particulate emission rate of no more than 30mg/m3 (Standard Temperature and Pressure, dry gas basis and 12% CO2 by volume). The control equipment shall be maintained at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.</p>	<p>The Oil Companies support this rule as it allows for welding and repair of pipelines.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 5.1.7 Dust generating activities Rule 26: Abrasive blasting outside an enclosed area – permitted activity</p>	<p>Support</p>	<p>Retain Rule 26 without further modification <i>The discharge of contaminants into air from dry or wet abrasive blasting outside an enclosed area is a permitted activity, provided the following conditions are met:</i></p> <ul style="list-style-type: none"> (a) <i>the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and</i> (b) <i>the operation of a mobile abrasive blasting unit used at one property is no more than 10 days in any 12 month period, and</i> (c) <i>abrasive blasting shall only be undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and</i> (d) <i>if the blasting is dry abrasive blasting, the blasting materials shall only be garnet, sodium bicarbonate, crushed glass, or agricultural materials including crushed corn cobs or walnuts, and</i> (e) <i>if the blasting is wet abrasive blasting, the blasting shall only use water, and</i> (f) <i>the free silica content of a sample of the blasting material shall not exceed 5% by weight, and</i> (g) <i>all work areas and surrounding areas are kept clean and substantially free of accumulations of deposited material and other debris</i> 	<p>The Oil Companies support retention of Rule 26 as it allows for cleaning of storage tanks, pipelines and other outdoor infrastructure.</p>
<p>Section 5.1.9 Fuel Storage Rule 32: Petroleum storage or transfer facilities – permitted activity</p>	<p>Oppose</p>	<p>Modify Rule 32 as follows: <i>The discharge of contaminants into air from the storage or transfer of petroleum products including but not limited to, volatile organic compounds, solvent vapours, ventilation of solvents and displacement of solvents is a permitted activity, provided the following conditions are met:</i></p> <ul style="list-style-type: none"> (a) <i>the discharge does not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and</i> 	<p>The rule specifies that there shall be no emission of hazardous air pollutants as identified in Schedule L2 beyond the boundary of a property. Schedule L2 includes Benzene, Toluene, Ethyl Benzene and Xylene (BTEX). The Oil Companies submit that every fuel terminal and service station will occasionally have BTEX beyond the site boundary (even driving a vehicle into a service station or any site, will result in BTEX</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
		(b) <i>there is no emission of hazardous air pollutants as identified in Schedule L2 (air pollutants) beyond the boundary of the property that does, or is likely to, cause adverse effects on human health, ecosystems or property</i>	beyond the site boundary). Furthermore BTEX is present as ambient background from vehicles on the roading network. And hence it is difficult to determine source of BTEX. If petrol can be smelt, which may be the case during vehicle or tank filling, then BTEX is likely to be present, the key matter is whether the levels are dangerous or represent a health risk. The Oil Companies do not consider it reasonable to seek a zero tolerance of hazardous air pollutants beyond the boundary around storage facilities or the likes of the airport. As a result the Oil Companies seek amendment which introduces an effects threshold test for any "beyond the boundary" discharges. Such an approach is consistent with wording in other Regional Plans.
Section 5.1.10 Mobile sources Rule 33: Mobile source emissions – permitted activity	Support	Retain Rule 33 without further modification <i>The discharge of contaminants into air from a mobile source is a permitted activity</i>	The Oil companies support recognition of mobile discharges, especially in relation to matter raised in relation to rule 32 above.
Section 5.2 Discharges to Water	Support	Retain Rule 42: Minor discharges – permitted activity <i>The discharge of contaminants into water, or onto or into land where it may enter water that is not permitted, controlled, restricted discretionary, discretion, non-complying or prohibited by any other rule in this Plan is a permitted activity provided the following conditions are met:</i> (a) <i>where the discharge may enter groundwater, the discharge is not located within 50m of a bore used for water abstraction for potable supply or stock water, and</i>	The Oil Companies support the rule on the basis that it applies only to contaminated land as currently defined in this plan.

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p>(b) where the discharge enters a surface water body or coastal water, the concentration of total suspended solids in the discharge shall not exceed:</p> <p>(i) 50g/m³ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids concentration in the receiving water is greater than 50g/m³ in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 20%, or</p> <p>(ii) 100g/m³ where the discharge enters any other water, except when the background total suspended solids concentration in the receiving water is greater than 100g/m³ in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 33%, and</p> <p>(c) if the discharge is from dewatering, the discharge is not from contaminated land, and</p> <p>(d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</p> <p>(e) the discharge shall not give rise to the following effects after the zone of reasonable mixing:</p> <p>(i) a change in the pH of ± 0.5pH unit, or</p> <p>(ii) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</p> <p>(iii) any conspicuous change in the colour or visual clarity, or</p> <p>(iv) any emission of objectionable odour, or</p>	

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 5.2.3 Stormwater Rule R48: Stormwater from an individual property	Oppose	<p>(v) the fresh water is unsuitable for consumption by farm animals, or</p> <p>(vi) any significant adverse effects on aquatic life</p> <p>Modify Rule 48 as follows</p> <p>The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, from an individual property is a permitted activity, provided the following conditions are met:</p> <p>(a) the discharge is not into a site identified in Schedule A (outstanding water bodies), and</p> <p>(b) the discharge is not from, onto or into contaminated land, unless the stormwater does not come in contact with the contaminated land except where stormwater quality from the site has been shown to meet the relevant industry good practice guide--and</p> <p>(c) the discharge is not from a local authority stormwater network, a port, airport or state highway, and</p> <p>(d) the discharge shall not contain wastewater, and</p> <p>(e) the concentration of total suspended solids in the discharge shall not exceed:</p> <p>(i) 50g/m3 where the discharge enters a site or habitat identified in Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids in the receiving water is greater than 50g/m3, in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 20%, or</p> <p>(ii) 100g/m3 where the discharge enters any other fresh or coastal water, except when the background total suspended solids in the receiving water is greater than 100g/m3 in which case the decrease in water clarity</p>	<p>Rule 48 and 49 require clarification. Rule 48 addresses operational stormwater from individual properties into land where it may enter a surface water body. Rule 49 addresses stormwater to land where it may enter groundwater. For stormwater to enter surface water from land disposal it must have first entered groundwater, hence the distinction between these two rules is unclear. Further, both rules exclude contaminated land (as per PNRP definition). The Oil companies have submitted on the definition of contaminated land used in the PNRP in the definitions sections below. The oil companies seek amendment of the rules as outlined to allow for discharges from contaminated land where they can be shown to meet industry standards and "good management practices" and the stormwater is not sourced from any contaminated soils or will not mobilise any contaminants in such soils. For example stormwater from a service station will primarily be from impervious surfaces, concrete forecourt, and roofed areas, there is generally no contact with any contaminated soil, if there is any on such a site. It is therefore important to clarify the application and interpretation of this in the rule.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p>after the zone of reasonable mixing shall not exceed 33%, and</p> <p>(f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</p> <p>(g) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:</p> <ul style="list-style-type: none"> (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or (ii) any conspicuous change in the colour or visual clarity, or (iii) any emission of objectionable odour, or (iv) the fresh water is unsuitable for consumption by farm animals, or (v) any significant adverse effects on aquatic life. <p>Note In respect of stormwater discharges from earthworks activities refer to Rules R99 and R101.</p>	<p>Such a change will provides consistency between management of stormwater (which can contain contaminants) and management of discharges to land from contaminated land (Rule 55) which provides a permitted activity rule subject to discharge quality controls.</p>
5.2.3 Stormwater Rule R49: Stormwater to land	Oppose	<p>Modify Rule 49 as follows</p> <p>The discharge of stormwater onto or into land, including where contaminants may enter groundwater, from an individual property is a permitted activity provided the following conditions are met:</p> <ul style="list-style-type: none"> (a) the discharge is not from, onto or into contaminated land, unless the stormwater does not come into contact with the contaminated land except where stormwater quality from the site has been shown to meet the relevant industry good practice guide, and (b) the discharge shall not cause or exacerbate the flooding of any other property. 	As above.
5.2.4 Contaminated land and hazardous substances Rule R54: Site investigation	Support in part	<p>Modify Rule 54 as follows</p> <p>The use of land to assess the concentration of hazardous substances that may be present in the soil and any associated discharge into air is a permitted activity, provided the following conditions are met where the scale of the activity necessitates:</p>	Investigation of contaminated land is to be encouraged. However it is not clear if such a rule is required in its present form. It is important to enable investigations to be undertaken if contaminated land is to be

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p>(a) <i>the assessment is undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011), and</i></p> <p>(b) <i>the assessment is reported in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011), and</i></p> <p>(c) <i>a copy of the report is provided to the Wellington Regional Council two months after the completion of the assessment</i></p>	<p>identified and managed appropriately. However not all site sampling will or needs to comply with the Guidelines. There are often one off samples taken by operators and through the due diligence process that may not constitute a full investigation as envisaged in terms of the MFE Guidelines. The obtaining of such information should not trigger consent. Where there are more detailed investigations (as required under the NES) then those reports are required to be provided to District Councils in any event. The GWRC should ensure that it has a process in place with its Districts to ensure it is obtaining those relevant reports so it can also keep its register up to date.</p> <p>The rule addresses discharges to air but does not include any reference to any other discharges. Reliance is then placed on the minor discharge rule. A rule that complemented that process would assist. A permitted activity status is appropriate where the scale of the investigation is very restricted or those guidelines are followed.</p> <p>The rule appears to address passive discharges, historic contamination of land and the discharges that may emanate from them. The intent of providing a rule for passive discharges is supported. However, there are a number of concerns with the proposed rule.</p>
<p>5.2.4 Contaminated land and hazardous substances Rule 55: Discharges from contaminated land</p>	<p>Oppose</p>	<p>Modify Rule R55 as follows <i>The discharge of contaminants onto or into land from contaminated land where the discharge may enter water is a permitted activity provided <u>the discharge complies with conditions 1 and 2 below, or otherwise complies with condition 3: the following conditions are met:</u></i> (a) a site investigation has been completed in accordance with Rule R54 with a copy of the report provided to the Wellington Regional</p>	

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p>Council within two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and</p> <p>(b) the site investigation report concludes that:</p> <p>(i) the concentration of contaminants in groundwater meets the Drinking-Water Standards New Zealand 2005 (Revised 2008) for potable water for 90% of species; and</p> <p>(ii) the concentration of contaminants in groundwater, at the property boundary, or at the location of existing bores, or at any point where the groundwater exits to the surface meets the Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species.</p> <p>(1) There has been a detailed site investigation¹ supplied to Council in accordance with Rule 54 and the detailed site investigation prepared in accordance with (i) above.</p> <p>(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</p> <p>(b) determines that the concentration of contaminants in groundwater:</p> <p>(i) either 50 metres from the source (i.e. the notional boundary) or at the property boundary (whichever is the lesser distance); and</p> <p>(ii) anywhere a surface water or bore used for abstraction of water (excluding monitoring bores) intersects or lies within (b)(i).</p> <p>Does not breach the following standard:</p> <ul style="list-style-type: none"> Where the discharge is to groundwater identified on the planning maps as used for drinking water purposes or defined as a sensitive aquifer, either the Drinking Water Standards of New Zealand 2005 (Revised 2008) or, where ambient water 	<p>Firstly condition (a) sets a time limit by which site investigations are to be completed, i.e. prior to 31 July 2017. After that date regardless of whether the discharge will comply with the discharge quality conditions the activity will require a consent. As some contaminated sites are not discovered yet or no change to their land use proposed, (a) is not practical. It is appropriate that the provisions encourage further investigation and not impose an unnecessary high hurdle for subsequent reporting. It will generate unnecessary and inappropriate requirements for consents.</p> <p>Additionally (b)(i) states that drinking water standards apply regardless to groundwater characteristics, uses, sensitivity or capacity, and no point of compliance with the drinking water standard is specified. Importantly, the drinking water standard referenced does not exist ie. Drinking-Water Standards New Zealand 2005 (Revised 2008) for potable water for 90% of species, is a mixture of NZ drinking water standard and the ANZECC guidelines. Similarly (ii) applies ANZECC standards at inappropriate sites e.g. the property boundary and existing bores, whereas they should apply instream only.</p>

¹ Detailed Site Investigation as defined in the NES Contaminated Land.

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p><u>quality is naturally less than this standard it is not being degraded; or</u></p> <ul style="list-style-type: none"> <u>Where the discharge is a to groundwater not identified on the planning maps for drinking water or as a sensitive aquifer: the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC) Guidelines (2000) at the level of protection for 80% of species, except for benzene where the level of protection is 90% of species (i.e. 1mg/l).</u> <u>2. The discharge of contaminants onto or into land from contaminated land that has previously held resource consent for discharges and where the risk has been assessed and found to be within acceptable levels without control mechanisms and that all the consent conditions have been met to the satisfaction of Council.</u> 	<p>As a result to Oil Companies seek redrafting of this rule. While it is recognised that the Council intend to focus on those contaminated sites that are likely to have significant adverse effects, the Oil Companies consider that a conservative screening threshold that will promote a risk assessment and establishes a permitted baseline for screening purposes is appropriate. Such a rule proposed by the Oil Companies is set up to primarily have a boundary control (the point at which control will be lost) although it is also proposed that a 50m notional boundary from the source of contaminants which will likely be useful on large lot areas.</p> <p>The rule also sets up a provisions that allows a SQEP to determine whether there are risks to human health or the environment and a report (that will likely be prepared in accordance with NES) can include additional matters to satisfy discharge requirements under the Plan.</p> <p>The Oil Companies have also introduced a permitted activity provision or close out rule for any consents that are issued under the Plan. This is particularly useful to enable consents to be surrendered when they may still be above the specified conservative</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 5.2.4 Contaminated land and hazardous substances Discharges from contaminated land</p>	<p>Oppose</p>	<p>Modify Rule 56 as follows <i>The use the land, and discharge of contaminants onto or into land from contaminated land where the discharge may enter water that is not permitted by Rule R54 or Rule R55 is a <u>restricted discretionary</u> activity</i></p>	<p>screening threshold but pose not risk to the environment or human health.</p> <p>It is considered that full discretionary activity status for such operations is not required. Rather restricted discretionary activity rules, subject to discharge standards after - treatment (if required) and volumes of take is a reasonable approach and consistent with onsite treatment of discharges from contaminated sites.</p> <p>Matters for discretion may include:</p> <ul style="list-style-type: none"> • adequacy of DSI, SMP and/or RAP, • how the activity is to be managed, monitored and reported on, • method to minimise adverse effects; • duration and review of consent conditions
<p>Section 5.2.4 Contaminated land and hazardous substances Rule 57: Discharge of hazardous substances</p>	<p>Oppose</p>	<p>Modify Rule 57 as follows activity <i>The discharge of a hazardous substance into water or onto or into land where it may enter water that is not permitted by Rule R36, Rule R37, Rule R42, Rule R46 and Rule R87 or controlled under Rule R47 and Rule R87 or Rule R88 or <u>discretionary non-complying</u> activity.</i></p>	<p>It is considered that full discretionary activity status for such operations is all that is required to manage potential adverse effects. For example it is not considered appropriate that a dewatering discharge for a tank removal (that does not meet R42) where there may be some existing contamination should be considered a non-complying</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
			<p>activity. The Plan should be encouraging the replacement of underground infrastructure to avoid other potential issues. Furthermore the Oil Companies support a single default rule for dewatering takes and discharge.</p>
<p>Section 5.3.2 Discharges to Contaminants Rule 69: Minor contaminants</p>	<p>Oppose</p>	<p>Modify Rule 69 as follows <i>The discharge of contaminants onto or into land that is not permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited under any other rule in this Plan is a permitted activity provided the following conditions are met:</i> (a) <i>the contaminant shall not enter water, unless there has been on site treatment to a level which meets limits outlined in Rule 55 and</i> (b) <i>the contaminant shall not cause an adverse effect beyond the boundary of the property, and</i> (c) <i>the contaminant is not a hazardous substance</i></p>	<p>Distinction needs to be made between contaminants that are discharged to land and treated prior to discharge to water. For example operational waters due to cleaning components of infrastructure e.g. pipes, tanks, may be discharged to land (i.e. within a bunded compound), then be captured and treated and then discharge to stormwater. As a result there are no effects based reason why these discharges should not be permitted.</p> <p>There appears to be a conflict with rule R42 which also deals with discharges to land. While the introduction to the second appears to clarify which rules apply (so that there is no duplication) the application of the relevant rules sets is far from clear.</p> <p>Ensure there is no duplication of the provisions or double jeopardy with more than one rule being required for the same activity.</p> <p>Support recognition of earthworks for construction, repair or maintenance of existing infrastructure as a permitted activity.</p>
<p>Section 5.4 Land Use Section 5.4.4 Earthworks and</p>	<p>Support</p>	<p>Retain Rule 99 without further modification <i>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks of a contiguous</i></p>	<p>Support recognition of earthworks for construction, repair or maintenance of existing infrastructure as a permitted activity.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>vegetation clearance Rule R99: Earthworks</p>		<p>area up to 3,000m² per property per 12 month period is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> (a) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and (b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and (c) work areas are stabilised within six months after the completion of the earthworks. (d) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters: <ul style="list-style-type: none"> (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or (ii) any conspicuous change in colour or visual clarity, or (iii) any emission of objectionable odour, or (iv) the rendering of fresh water unsuitable for consumption by animals, or (v) any significant adverse effect on aquatic life 	
<p>Section 5.5 Wetlands and beds of lakes and rivers Section 5.5.5 Activities in beds of lakes and rivers Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates)</p>	Support	<p>Retain Rule 112 without further modification</p> <p>The maintenance, repair, replacement, upgrade or use of a structure or a part of a structure (excluding the Barrage Gates) that is fixed in, on, under, or over the bed of a river or lake, including any associated:</p> <ul style="list-style-type: none"> (a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and (d) discharge of sediment to water <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and (f) the resulting structure is contained within the form of the existing structure, or 	<p>Support recognition of activities in bed and banks of water bodies for replacement, maintenance, repair and removal of existing infrastructure as a permitted activity</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 5.5 Wetlands and beds of lakes and rivers Section 5.5.5 Activities in beds of lakes and rivers Rule R114: River crossing structures</p>		<p>(g) the resulting structure, excluding any cable, pipe or duct and including any deposition, adds no more to the existing structure than whichever is the lesser of: (i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or (ii) 1m in horizontal projection and 1m in vertical projection measured from the structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed.</p>	
		<p>Retain Rule 114 without further modification The placement or use of a river crossing structure, including, but not limited to, weirs, fords and small bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on, under, or over the bed of a river including any associated: (a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and (d) discharge of sediment to water is a permitted activity, provided the following conditions are met: (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4, and (f) the river crossing that has any part of the structure fixed in or on the bed has a catchment area above the crossing of not more than: (i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or (ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and (g) the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed 20m², and (h) the activity does not occur within a site identified in Schedule C (mana whenua).</p>	<p>Support recognition of activities in bed and banks of water bodies for replacement, maintenance, repair and removal of existing infrastructure as a permitted activity</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p><i>Rule R115: Culverts – permitted activity</i></p> <p>The placement or use of a culvert that is fixed in, or on, the bed of a river including any associated:</p> <ul style="list-style-type: none"> (a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and (d) discharge of sediment to water <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (f) (not altering the natural course of the river), and (f) the activity does not occur within a site identified in Schedule C (mana whenua), and (g) where multiple culverts are placed side by side, the total cross-sectional area of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and (h) the culvert, associated fill and culvert placement shall comply with the following dimensions: <ul style="list-style-type: none"> (i) a maximum culvert length of 20m, and (ii) for circular culverts a culvert diameter of 0.3m to 1.2m (inclusive), and (iii) for non-circular culverts a width and height of 0.3m to 1.2m each (inclusive), and (iv) a culvert diameter, or width that is at least as wide as the river bed at the point at which the culvert is installed (and which complies with (h)(ii) and (h)(iii) above) (v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedance probability (20 year return period) flood event without the fill being overtopped, and (i) a minimum culvert installation depth below the bed of 20% of the width of the culvert, and 	

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p>(j) the culvert shall be positioned so that its alignment and gradient are the same as the river, and</p> <p>(k) the culvert shall be constructed to allow:</p> <p>(i) the flow from a 5% annual exceedance probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and</p> <p>(ii) the flow from a two year return period flood event without any flow impediment, and</p> <p>(l) the culvert inlet and outlet shall be protected against erosion, and</p> <p>(m) all practicable steps shall be taken to minimise the release of sediment during construction, and</p> <p>(n) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at the inlet and outlet of the culvert, and</p> <p>(o) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties.</p>	
<p>Section 5.5.8 Damming and Diverting Water Rule R130: Diversion of groundwater</p>	<p>Support</p>	<p>Retain Rule 130 without further modification</p> <p>Diversion of groundwater is a permitted activity, provided the following conditions are met:</p> <p>(a) there shall be no flooding or erosion of any neighbouring property, and</p> <p>(b) there shall be no lowering of water levels in any river, lake, or natural wetland, and</p> <p>(c) there shall be no lowering of groundwater levels on any neighbouring property.</p>	<p>The Oil Companies support recognition of groundwater diversion sometimes required during construction where there are no long term adverse effects on adjoining properties.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 5.6 Water Allocation Rule R140 Dewatering</p>	<p>Oppose</p>	<p>Modify Rule 140 as follows <i>The take of water and the associated diversion and discharge of that water for the purpose of dewatering a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:</i></p> <p>(a) <i>the take continues only for the time required to carry out the work but does not exceed one month, and</i></p> <p>(b) <i>the take and diversion and discharge is not from, onto or into contaminated land or potentially-contaminated land, except where the discharge quality from the site has been shown to meet the relevant industry good practice guide.</i></p> <p><i>and(c) the discharge is onto or into land including to any natural or man-made stormwater drainage system, where the discharge has been minimised to the greatest extent practicable, in a manner that does not give rise in the receiving waterbody to any or all of the following:</i></p> <ul style="list-style-type: none"> • <i>the production of any conspicuous oil or grease films, scum, foams, or floatable or suspended material;</i> • <i>any conspicuous change in the colour or visual clarity.</i> <p>(d) <i>the take does not cause ground subsidence, and</i> (e) <i>the take does not deplete water in a water body beyond the time of the take, and</i></p>	<p>The use of permitted activity for short term construction dewatering activities required by infrastructure companies, including regionally significant infrastructure and oil companies is considered consistent with sustainable management of physical resources.</p> <p>The Oil Companies are concerned that the rule is somewhat confusing in that the note purports to provide for discharges of dewatering water via Rule 42, yet discharge is also provided for in R140. Diversion is also provided for in R130. This needs to be clarified.</p> <p>The Oil Companies are also concerned that the default rule from R42 (discharge) is to a non-complying activity and the take rule is discretionary. Further R42 does not refer to potentially contaminated land. As a consequence the pathway for dewatering is uncertain.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p>(f) <i>there is no flooding beyond the boundary of the property. Note: Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R42.</i></p> <p>Introduce a new rule (Rule 140A) as a single restricted discretionary activity default rule for dewatering not meeting the permitted activity conditions.</p>	<p>The Oil Companies would like to see a clear single permitted activity rule and single default rule, to a restricted discretionary activity, for construction dewatering that involves, take, diversion and discharge and makes clear that construction excavations are not bores.</p> <p>The Oil Companies also consider there is no effects based reason to require consent for the take, diversion and discharge of dewatering water if the quality of that water can be shown to meet relevant industry good practice guide. It is considered that the Council should be producing some form of good practice guidance on these matters. Rather than a separate cascade to R42 for the discharge it may be appropriate to incorporate the sediment parameters into this rule or alternatively have a s107 type requirement. Hence amendments to Rule 140 is sought as outlined.</p>
<p>Section 5.6.4 Bore construction or alteration Rule R146: Geotechnical investigation bores</p>	<p>Support in part</p>	<p>Retain Rule 146 subject to the following deletion as follows <i>The use of land and the associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a geotechnical investigation bore is a permitted activity, provided the following conditions are met:</i> (a) <i>the bore is not located within a community drinking water supply protection area shown on Map 26, Map 27a, Map 27b, or Map 27c, and</i></p>	<p>Support provision of geotechnical investigation bores on contaminated land as a permitted activity. Not all bores will or should be required to be in accordance with Rule 54. For example a test pit to ascertain groundwater depth (for a tank pull) and where a sample of soil may be taken. As a consequence the note should be deleted.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
New Rule 147 Well pointing for dewatering/diversion - permitted activity	New Rule	<p>(b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</p> <p>(c) a Wellington Regional Council bore/well log form is submitted to the Wellington Regional Council within one month of the bore being constructed, and</p> <p>(d) there is no flooding beyond the boundary of the property.</p> <p>Note: For contaminated land site investigation bores Rule R54 also applies</p> <p>Add new Rule 146A Well pointing for dewatering/diversion as follows</p> <p><u>The temporary use (up to two months) of well pointing for dewatering of tank pits or other underground infrastructure excavations or cavities, associated with the installation, replacement or removal of underground infrastructure, is a permitted activity subject to meeting the following conditions:</u></p> <p><u>The diversion shall not change the water level regime or direction of flow of the aquifer after completion of the works; and</u></p> <p>(e) <u>The discharge shall be either:</u></p> <ul style="list-style-type: none"> <u>i. collected for reuse; or</u> <u>ii. discharged to land so that runoff or the accumulation of contaminants does not occur; or</u> <u>iii. discharged onto land including to any natural or man-made stormwater drainage system, where the discharge has been minimised to the greatest extent practicable in a manner that does not give rise in the receiving waterbody to any or all of the following:</u> <ul style="list-style-type: none"> <u>• the production of any conspicuous oil or grease films;</u> <u>seum, foams, or floatable or suspended material;</u> <u>• any conspicuous change in the colour or visual clarity;</u> 	<p>The Oil Companies wish to ensure that any excavation they undertake for the replacement or installation of underground petroleum storage systems or drainage infrastructure does not trigger a bore consent. The current definition of bore would appear not to capture such activities as such activities are not for the purpose of investigating, abstracting or discharging, rather those matters are incidental or consequential to the intent, which is to facilitate construction/replacement of infrastructure. However as part of the process of tank replacement it is sometimes necessary to install well points to lower groundwater levels to facilitate the tank installation and these could be considered bores. Other times a submersible pump will be placed in the excavation.</p> <p>There is no rule that provides for the short term use of well pointing during excavation for the purposes of below ground infrastructure construction and maintenance. The PNRP definition of bore appears to</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 5.6.4 Bore construction or alteration Rule R147: Drilling, construction or alteration of any bore – controlled activity	Oppose	<p>Modify Rule 147 as follows</p> <p>The use of land and the associated diversion and discharge of water or contaminants for drilling, construction or alteration of a bore (other than a geotechnical investigation bore permitted in Rule R146 and/or Well pointing as outlined in Rule 146A) is a controlled activity, provided the following conditions are met:</p> <p>(a) the bore is not associated with hydrocarbon exploration or production, and</p> <p>(b) the bore is constructed and operated in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock</p> <p>Matters of control</p> <ol style="list-style-type: none"> 1. Compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock 2. Bore location, size (including diameter of the bore casing) and depth 3. Bore screening depth and type 4. Backflow prevention methods 5. Information requirements including bore logs, piezometric levels, groundwater tests, and bore construction details 6. Management of the effects of any discharge of contaminants 	<p>potentially capture the use of well pointing as a technique and this is not considered practical due to the short term nature of the activity (usually between 5-10 days) , and low impacts of well pointing and construction methods employed.</p> <p>As a consequence a new definition of bore is suggested (see definitions section below) and new permitted activity rule is suggested.</p> <p>Modification of existing rule 147 is required in recognition of proposed new rule 146A as outlined above.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
<p>Section 5.7 Coastal Management Section 5.7.3 Maintenance, repair, additions and alterations to existing structures Rule 149: Maintenance or repair of structures</p>	<p>Oppose in part</p>	<p>Retain Rule 149 without further modification <u>The maintenance or repair of a structure and the maintenance repair and replacement of any services attached to a structure in the coastal marine area, including any associated:</u></p> <ul style="list-style-type: none"> (a) occupation of space in the common marine and coastal area, and (b) disturbance of the foreshore or seabed, and (c) deposition in, on or under the foreshore or seabed, and (d) discharge of contaminants, and (e) diversion of open coastal water <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> (f) the maintenance and repair of the structure or service is contained within the form of the existing structure and there is no increase in length, width, or height of the existing structure (except for increases for the purposes of replacement, removal and alterations of existing services attached to structures) aerial telecommunications cables where these activities will not result in increases in design voltage and the new or altered cables will not be lower in height above the foreshore or seabed, and (g) for structures identified in Schedule E1 (heritage structures) the materials used for maintenance and repair of the structure and/or service shall match the existing structures in form and appearance, and (h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2. 	<p>This rule requires clarification as it is unclear whether it applies to services attached to structures. Point Howard Wharf is identified in Schedule E1 heritage structure map 8 and Seaview wharf is part of commercial port area map 34. A Wharf line goes under Point Howard wharf to Seaview wharf and services oil terminals in the Seaview area. It is recommended that rule 149 retains permitted activity status for the maintenance, repair, addition, alteration and replacement of the wharfline and other services on such structures.</p>
<p>Section 5.7 Coastal Management Section 5.7.7 Heritage structures Rule 168: Alteration of structures identified in Schedule E2 or</p>	<p>Oppose in part</p>	<p>Modify Rule 168 as follows <u>The alteration of a structure or service attached to a structure identified in Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids) in the coastal marine area, including any associated:</u></p> <ul style="list-style-type: none"> (a) occupation of space in the common marine and coastal area, and 	<p>The Oil Companies support both the alteration and replacement of existing services attached to identified in Schedule E2 and E3 as per the submission point above. If the Oil companies suggested working for Rule 149 is adopted, Rule 168</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
Schedule E3 – permitted activity		<p>(b) disturbance of the foreshore or seabed, and</p> <p>(c) deposition in, on or under the foreshore or seabed, and</p> <p>(d) discharge of contaminants</p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(e) the alteration is contained within the form of the existing structure and there is no increase in the length, width, or height of the existing structure, and</p> <p>(f) the altered components should be of original or similar material, texture, form and design as the original it replaces, and</p> <p>(g) the number of components altered should be substantially less than existing number of components, and</p> <p>(h) the alteration does not include the partial or total demolition of any structure, and</p> <p>(i) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.</p>	<p>may not be required or the rules could be combined.</p>
Section 5.7 Coastal Management Section 5.7.7 Heritage structures Rule R169: Additions or alterations to structures identified in Schedule E1 or Schedule E2 – restricted discretionary activity	Support in part	<p>Retain Rule 169 without further modification</p> <p>The addition or alteration to a structure identified in Schedule E1 (heritage structures) or Schedule E2 (wharves and boatsheds) and the associated use of the addition in the coastal marine area, including any associated:</p> <p>(a) occupation of space in the common marine and coastal area, and</p> <p>(b) disturbance of the foreshore or seabed, and</p> <p>(c) deposition in, on or under the foreshore or seabed, and</p> <p>(d) discharge of contaminants</p>	<p>If this rule refers solely to the addition and alteration of the structure itself and services attached to these structures are addressed by way of the above stated modifications to the permitted activity Rules 149 and 168 then Rule 169 can be supported.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
		<p>that is not permitted by Rule R168, is a restricted discretionary activity, provided the following conditions are met:</p> <p>(e) the structure is not a seawall, and</p> <p>(f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.</p> <p>Matters for discretion</p> <ol style="list-style-type: none"> 1. Use of the structure 1. Effects on public access 2. Effects on public open space and visual amenity 3. Effects of disturbance, deposition and discharge associated with construction 4. Effects on the historic heritage values of structures identified in Schedule E1 (heritage structures) or Schedule E2 (wharves and boatsheds) 5. Lighting and noise 6. Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas <p>Note</p> <p>Additions or alterations to seawalls are either a controlled activity under Rule R165, a discretionary activity under Rule R166 or a non-complying activity under Rule R167</p>	
<p>Section 5.7 Coastal Management Section 5.7.7 Heritage structures Rule R172: Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule</p>	<p>Support in part</p>	<p>Retain Rule 172 without further modification</p> <p>The removal, demolition or replacement of a structure or part of a structure identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids) and the associated use of a structure in the coastal marine area, including any associated:</p> <p>(a) occupation of space in the common marine and coastal area, and</p>	<p>If this rule refers solely to the addition and alteration of the structure itself and services attached to these structures are address by way of the above stated modifications to the permitted activity Rules 149 and 168 then Rule 172 can be supported.</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
E2 or Schedule E3 – discretionary activity		<p>(b) disturbance of the foreshore or seabed, and</p> <p>(c) deposition in, on or under the foreshore or seabed, and</p> <p>(d) discharge of contaminants</p> <p>that is not permitted by Rule R168 or Rule R170 or controlled under Rule R157 or discretionary restricted under Rule R153 is a discretionary activity.</p>	
Section 5.7 Coastal Management, Section 5.7.10 Occupation Rule R182: Occupation of space by a structure owned by a network utility operator – permitted activity	Support	<p>Retain Rule 182 without further modification</p> <p>The occupation of space in the common marine and coastal area by a structure existing before the date of public notification of the Proposed Natural Resources Plan (31.07.2015) owned by a network utility operator is a permitted activity.</p>	Rule 182 is supported as it recognises the needs of network utilities.
Definitions			
Definitions	Support in part	<p>Retain Definition of Good Management Practice subject to the following amendment as follows:</p> <p>Good management practice: <i>Practices, procedures or tools (including rules) that are effective at achieving the desired performance while providing for desired environmental outcomes. Good management practice evolves through time and results in continuous improvement as new information, technology and awareness of particular issues are developed and disseminated. Some examples of good management practice guidelines can be found on the Wellington Regional Council's website http://www.gw.govt.nz/good-management-practice/</i></p>	<p>The definition recognises that good management practice can evolve, and there is recognition of existing guidelines. However guidelines particular to the oil industry are not included in the document listed at http://www.gw.govt.nz/good-management-practice/.</p> <p>The Oil Companies seek inclusion of the following good management practice guidelines within the WRC web site as follows:</p> <p>Point source discharges MFE 1998 Environmental Guidelines for Water Discharges from</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
			<p>Petroleum Industry Sites in New Zealand Prepared by a Joint Working Group of the Ministry for the Environment, local authorities and petroleum marketing companies</p> <p>Hazardous substances/Contaminated Land</p> <p>MFE 2011: Contaminated land management guidelines No. 1: Reporting on contaminated sites in New Zealand (revised 2011)</p> <p>MFE 2004; Contaminated land management guidelines No. 5: Site investigation and analysis of soils (revised 2011)</p>
<p><i>Definitions</i></p>	<p>Support</p>	<p>Retain Definition of Regionally Significant Infrastructure as follows:</p> <p>Regionally significant Infrastructure</p> <p><i>Regionally significant infrastructure includes:</i></p> <ul style="list-style-type: none"> · pipelines for the distribution or transmission of natural or manufactured gas or petroleum · strategic facilities to the telecommunications network, as defined in section 5 of the Telecommunications Act 2001 · strategic facilities to the radio communications network, as defined in section 2(1) of the Radio Communications Act 1989 · the national electricity grid · facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network, including the national grid · the local authority water supply network and water treatment plants 	<p>Retain</p>

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Reference	Support/ Oppose	Decision Sought	Reasons
		<ul style="list-style-type: none"> • the local authority wastewater and stormwater networks, systems and wastewater treatment plants • the Strategic Transport Network • Wellington City bus terminal and Wellington Railway Station terminus • Wellington International Airport • Masterton Hood Aerodrome • Paraparaumu Airport • Commercial Port Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines. 	
Definitions	Support in part	<p>Retain Definition of Contaminated Land subject to the following amendment as follows:</p> <p>Contaminated Land: Land that has a hazardous substance in or on it that – (a) has significant adverse effects on the environment; or (b) is reasonably likely to have significant adverse effects on the environment.</p> <p>For the purposes of this Plan, <u>Note</u>: Contaminated land means that land identified same as Category III – Contamination Confirmed land in the Selected Land Use Register for the Wellington Region</p>	<p>This definition of contaminated land lacks clarity. Following confirmation from GRWC² it is understood that the definition of contaminated lands seeks to only include Category III confirmed contaminated sites of which there are approximately 100 in the GRWC area. As such the RMA definition of contaminated land needs further clarification in the PNRP and its relationship to <i>potentially contaminated land</i> in this plan clarified.</p>
Definitions	Support	<p>Retain Definition of Bore subject to the following amendment as follows:</p> <p>Bore A structure or hole (<u>but not including temporary well pointing (up to 2 months) in the ground constructed for the purpose of:</u></p> <ul style="list-style-type: none"> • investigating or monitoring the conditions below the ground surface, or 	<p>As alternate to providing for an explicit rule for well pointing and where it is associated with excavations, of short duration it is considered practical to exclude well pointing from the definition of bore.</p> <p>Clarify that a construction excavation is not a hole and hence within bore definition if it</p>

² Pers comm Paul Denton GRWC 31/8/15

Schedule 1: Specific submissions of the Oil Companies to the Greater Wellington Regional Council Proposed Natural Resources Plan

Reference	Support/ Oppose	Decision Sought	Reasons
		<ul style="list-style-type: none"> • abstracting liquid substances from the ground, or • discharging liquid substances into the ground. 	intercepts groundwater, and that they do not require consent.
Definitions	Support	<p>Retain Definition of Dewatering as follows: Dewatering <i>The abstraction of groundwater so as to lower the water table for the period of time required to enable maintenance, excavation, construction, or geotechnical work to proceed in the dewatered area, or to sustain a lower localised water table.</i></p>	Retain.
Definitions		<p>Retain Definition of Earthworks as follows: Earthworks <i>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.</i> <i>Earthworks do not include:</i> <i>(a) cultivation of the soil for the establishment of crops or pasture, and</i> <i>(b) the harvesting of crops, and</i> <i>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and</i> <i>(d) the construction, repair or maintenance of:</i> <i>(i) pipelines, and</i> <i>(ii) electricity lines, and</i> <i>(iii) telecommunication structures or lines, and</i> <i>(iv) radio communication structures, and</i> <i>(v) firebreaks or fence lines</i></p>	Retain definition in its entirety including recognition that earthworks do not include cable and pipe laying and maintenance and the construction, repair or maintenance of: Pipelines, and electricity lines.

Schedule 1: Specific submissions of the Oil Companies to the Greater Wellington Regional Council Proposed Natural Resources Plan

Reference	Support/ Oppose	Decision Sought	Reasons
		<p>(e) repair or maintenance of existing roads and tracks, and (f) maintenance of orchards and shelterbelts, and (g) domestic gardening, and (h) repair, sealing or resealing of a road, footpath or driveway.</p>	

