

**BEFORE THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**ENV-2019-WLG-000132**

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

**AND**

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

**BETWEEN** First Gas Limited  
*Appellant*

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

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

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To: The Environment Court Registrar  
PO Box 5027  
Wellington

1. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (“the Oil Companies”) wish to be a party to the following proceedings:
  - 1.1 ENV-2019-WLG-000132 between First Gas Limited (“Appellant”) and Greater Wellington Regional Council (“Respondent”) in relation to the respondent’s decisions on submissions to the Proposed Wellington Regional Plan (“the Proposed Regional Plan”).
2. The Oil Companies lodged submissions on the Proposed Regional Plan on the subject matter of the proceedings.
3. The Oil Companies receive, store and distribute refined petroleum products. Within the Wellington Region, the Oil Companies own, operate and/or supply service stations, truck stops and various commercial activities, including Wellington International Airport. These facilities provide an essential service to the residents and businesses of Wellington Region.
4. The Oil Companies also own and operate bulk storage facilities and associated pipelines, located at Seaview and adjacent to Wellington Airport, from which petroleum products are distributed throughout the region and beyond. These facilities are recognised in the Proposed Regional Plan as regionally significant infrastructure and are critical to the functioning of the region as a whole.
5. The Oil Companies are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991.
6. The Oil Companies are interested in the following matters raised by the Appellant:
  - 6.1 Definition of Regionally Significant Infrastructure (Chapter 2: Definitions) (page 8)
  - 6.2 Policy 4: Minimising adverse effects (page 8)
  - 6.3 Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities (page 9)
  - 6.4 Policy P138: Structures in sites with significant values (page 12)
  - 6.5 Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity (page 14)

7. The reasons for the Oil Companies' interest in these matters are as follows:
  - 7.1 The Oil Companies seek to ensure that the provisions of the Proposed Regional Plan continue to provide appropriate recognition and provision for the Oil Companies' assets, in particular those comprising regionally significant infrastructure; and do not unreasonably and/or unnecessarily restrict the Oil Companies' development and maintenance activities and oil industry standardised procedures. The Oil Companies also seek to ensure that the Appellant's appeal does not prevent the outcomes sought in the Oil Companies' own appeal from being achieved.
  - 7.2 The Oil Companies are opposed to the relief sought regarding the reinstatement of Policy 4. The relief as drafted effectively introduces an avoidance policy requirement across the whole plan by requiring, in clause b, location of the activity away from the areas identified in Schedule A, C, E and F. This is inappropriate and contrary to the first part of the policy, which relates to minimisation. Further, it potentially conflicts with the more specific policies that apply in those areas, Policies 39, 41, 45 and 46.
  - 7.3 The policy will have implications in establishing new infrastructure and in maintaining, upgrading and replacing the Oil Companies' existing infrastructure across the region. If a proposal in a Schedule A, C, E or F area triggers a discretionary activity or non-complying activity consent then potentially significant impediments could arise from Policy P4 in providing for the region's fuel needs.
  - 7.4 The Oil Companies have an interest in the relief sought in relation to the definition of Regionally Significant Infrastructure, Policy P12, Policy P138 and Rule R112. The Oil Companies are not necessarily opposed to the amendments proposed, however, in some instances the implications of the relief sought are uncertain and the Oil Companies wish to be privy to any further amendments to ensure that the operation, maintenance and upgrade of their assets are appropriately provided for.

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

PP. *K Thomas*

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

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

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

**Greater Wellington Regional Council**

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

**First Gas Limited**

Lauren Wallace and Rebecca Eaton

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**Minister of Conservation**

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