

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000116

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 Porirua City Council
Appellant

AND Greater Wellington Regional Council
Respondent

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

To: The Environment Court Registrar
PO Box 5027
Wellington

1. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (“the Oil Companies”) wish to be a party to the following proceedings:
 - 1.1 ENV-2019-WLG-000116 between Porirua City Council (“Appellant”) and Greater Wellington Regional Council (“Respondent”) in relation to the respondent’s decisions on submissions to the Proposed Wellington Regional Plan (“the Proposed Regional Plan”).
2. The Oil Companies lodged submissions on the Proposed Regional Plan on the subject matter of the proceedings.
3. The Oil Companies receive, store and distribute refined petroleum products. Within the Wellington Region, the Oil Companies own, operate and/or supply service stations, truck stops and various commercial activities, including Wellington International Airport. These facilities provide an essential service to the residents and businesses of Wellington Region.
4. The Oil Companies also own and operate bulk storage facilities and associated pipelines, including 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 “Contaminant” (Appeal point 4)
 - 6.2 Definition of “Good Management Practice” (Appeal point 7)
 - 6.3 Definition of “Upgrade” (Appeal point 12)
 - 6.4 Policy 40: Ecosystems and habitats with significant indigenous biodiversity values (Appeal point 24)
 - 6.5 Policy 41A: Effects on the spawning and migration of indigenous fish species (Appeal Point 26)

- 6.6 Policy 73: Minimising adverse effects of stormwater discharges (Appeal Point 28)
- 6.7 Policy 90: Discharges of hazardous substances (Appeal Point 90)
- 6.8 Rule 48: Stormwater from an individual property (Appeal Point 34)
- 6.9 Rule 100: Vegetation clearance on erosion prone land (Appeal Point 39)
- 6.10 Insertion of new rule "Rule X" after rule 116 (Appeal Point 47)
- 6.11 Rule 161: New structures, additions or alterations to structures outside sites of significance – discretionary activity (Appeal Point 53)
- 6.12 Rule 162: New structures, additions or alterations to structures inside sites of significance – noncomplying activity (Appeal Point 54)

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 not opposed to introducing a definition of "contaminant". It is agreed that in the absence of a definition in the Plan the definition under the Resource Management Act will apply and as a consequence may be inappropriately broad. Given the implications of the relief sought is uncertain, the Oil Companies wish to be privy to any further amendments.
- 7.3 The Oil Companies are not necessarily opposed to the definition of "good management practice" under the decisions version of the plan. However, the amendment sought needs to ensure alternative references to industry guidelines and/or best practice which are appropriate and workable. Given the implications of the relief sought is uncertain, the Oil Companies wish to be privy to any further amendments.

7.4 The Oil Companies are not necessarily opposed to the relief sought regarding Policy P73, however, given the potential implications on stormwater discharges associated with the Oil Companies' assets, the Oil Companies wish to join the matter as an interested party.

7.5 The Oil Companies have an interest in the relief sought in relation to the definition of Upgrade, Policies P40, P41A, P90, Rules R48, R100, new rule "Rule X" after Rule R116, Rule R161 and Rule R162. The Oil Companies are not necessarily opposed to the amendments proposed, however, in some instances the implications of the relief sought are uncertain and the Oil Companies wish to be privy to any further amendments to ensure that the operation, maintenance and upgrade of their assets are appropriately provided for.

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



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

Dated this 9th day of October 2019

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

Greater Wellington Regional Council

Via email: RegionalPlanAppeals@gw.govt.nz

Minister of Conservation

Via Email: kanton@doc.govt.nz

Porirua City Council

C/O- Simpson Grierson

HSBC Tower

Level 24, 195 Lambton Quay

Wellington

P O Box 2402

Wellington 6140

Attention: James Winchester / K E Viskovic

Via email: katherine.viskovic@simpsongrierson.com