

**BEFORE THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**ENV-2019-WLG-000125**

**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** Rangitāne Tū Mai Rā Trust and Rangitāne  
o Wairarapa Incorporated Society  
*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-000125 between Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society (“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 Appeal points 27-30 relating to the entire plan.
  - 6.2 Objective O13 (appeal point 36).
  - 6.3 Objective O46 (appeal point 42).
  - 6.4 Appeal point 46, which seeks to amend all policies that refer to effects being minimised so that management outcomes are clear.
  - 6.5 Policy P13: Existing regionally significant infrastructure and renewable electricity generation facilities (appeal point 47).

- 6.6 Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities and introduction of a new policy (appeal point 48).
  - 6.7 Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai (appeal point 56).
  - 6.8 Policy P95: Discharges to land (appeal point 61).
  - 6.9 Policy P138: Structures in sites with significant values (appeal point 65).
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 Appeal points 27-30 relate to the entire Proposed Regional Plan. The relief sought is uncertain and potentially affects a large number of provisions across the plan. As such, the Oil Companies wish be privy to these appeal points to ensure any amendments to the Proposed Regional Plan appropriately provide for the operation, maintenance and upgrade of their assets and do not unreasonably and/or unnecessarily restrict the Oil Companies' operations.
  - 7.3 The Oil Companies consider Objective O13 appropriately provides for the protection for regionally significant infrastructure from incompatible use and development, but is not necessarily opposed to the relief sought, subject to appropriate wording.
  - 7.4 The Oil Companies oppose the changes sought by the Appellant to Objective O46 and prefer the decisions version of the objective. The objective 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.

- 7.5 Appeal point 46 seeks to amend all policies that refer to effects being 'minimised' so that management outcomes are clear. The relief sought is uncertain and potentially affects a large number of provisions across the plan. As such, the Oil Companies wish to be privy to this appeal point to ensure any amendments to the Proposed Regional Plan appropriately provide for the operation, maintenance and upgrade of their assets and do not unreasonably and/or unnecessarily restrict the Oil Companies' operations.
- 7.6 The Oil Companies oppose the relief sought in relation to Policy P13 and consider the decisions version of the Proposed Regional Plan already provides for appropriate balancing consideration of the balance between providing for regionally significant infrastructure and protection of areas of significance and other high value natural resources.
- 7.7 The Oil Companies oppose the relief sought in relation to Policy P14, including introduction of a new policy relating to managing the adverse effects of regionally significant infrastructure. The Proposed Regional Plan already requires appropriate consideration of the adverse effects of regionally significant infrastructure, including in relation to sites in Schedules A to F, H and J.
- 7.8 The Oil Companies have an interest in the relief sought regarding Policies P70 and P95. In the absence of specific relief sought, the potential implications are uncertain, therefore the Oil Companies wish to be party to the matters to ensure any outcomes relating to discharges remain appropriate and workable.
- 7.9 The Oil Companies oppose the relief sought in relation to Policy P138 and consider a requirement for complete avoidance of adverse effects to be too absolute.

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

PP. *(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)

**Minister of Conservation**

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

**Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society**

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