

**BEFORE THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**ENV-2019-WLG-000130**

**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** The Royal Forest and Bird Protection  
Society of New Zealand Incorporated  
*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-000130 between the Royal Forest and Bird Protection Society of New Zealand Incorporated (“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 Objective O20 (appeal point 8)
  - 6.2 Objectives O44-O48 (appeal point 12)
  - 6.3 Policy P13: Providing for regionally significant infrastructure and renewable electricity generation activities (appeal point 14)
  - 6.4 Policy P67: Minimising discharges to water or land (appeal point 26)
  - 6.5 Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai (appeal point 27)

- 6.6 Policy P95: Discharges to land (appeal point 30)
  - 6.7 Policy P138: Structures in sites with significant values (appeal point 36)
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 changes sought by the Appellant to Objective O20 and consider the proposed wording lacks clarity. The Oil Companies prefer the decisions version of the objective and consider the reference to the acceptability of natural hazard risk to be appropriate in the context of the objective.
  - 7.3 The outcome and specific wording sought by the Appellant in relation to Objectives O44-O48 is uncertain. The Oil Companies have an interest in these objectives as they influence the approach to managing discharges to land and water across the Proposed Regional Plan and therefore wish to be party to any amendments to these provisions to ensure that the operation, maintenance and upgrade of their assets are appropriately provided for.
  - 7.4 The Oil Companies are opposed to the changes sought by the Appellant to Policy P13 and prefer the decisions version of the policy, which appropriately provides for regionally significant infrastructure.
  - 7.5 The Oil Companies are opposed to the changes sought by the Appellant to Policy P67 and prefer the decisions version of the policy. It is uncertain how or why P67 should be made subject to Policy P65 as this would limit the scope of P67 to

discharges associated with rural land use and leave a policy gap in relation to other types of discharges currently addressed by P67.

7.6 The Oil Companies are opposed to the changes sought by the Appellant to Policy P70 and prefer the decisions version of the policy. The proposed introduction of a requirement that resource consent conditions must ensure the Objectives of O25 are achieved appears to defeat the purpose of the policy to provide a pathway for the consideration of discharges that do not meet those objectives.

7.7 The Oil Companies are opposed to the changes sought by the Appellant to Policy P95 and prefer the decisions version of the policy. The Oil Companies seek to ensure the policy does not link the NPSFM to discharges from contaminated land.

7.8 The Oil Companies are opposed to the changes sought by the Appellant to Policy P138 and prefer the decisions version of the policy. Introduction of a cross-reference to Policy P39A, as proposed, is unnecessary, as consideration of Policy P39A will be required in any case. Further, it is inconsistent with the policy drafting approach used in the remainder of the Proposed Regional Plan.

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



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

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

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

**Greater Wellington Regional Council**

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

**Minister of Conservation**

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

**Royal Forest And Bird Protection Society of New Zealand Incorporated**

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