

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000117

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 Wellington International Airport Limited
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-000117 between Wellington International Airport 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 Objective O17 (page 3)
 - 6.2 Objective O43 (page 4)
 - 6.3 Policy P4: Minimising adverse effects (page 4)
 - 6.4 Policy P28: Hazard mitigation measures (page 6)
 - 6.5 Policy P90: Discharges of hazardous substances (page 11)
 - 6.6 Rule R42: Minor discharges (page 12)
 - 6.7 Rule R55: Discharges from contaminated land – permitted activity (page 13)

- 6.8 Rule R56: Investigation of, or discharges from contaminated land – discretionary activity (page 13)
- 6.9 Rule R57: Discharge of hazardous substances – non-complying activity (page 13)
- 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 supported the decisions version of Objective O43, which relates to contaminated land. The relief sought by the Appellant is open to interpretation, particularly the phrase “unacceptable contamination related effects”. The implications of the relief sought are uncertain, therefore the Oil Companies wish to join that part of the appeal as an interested party.
 - 7.3 The Appellant seeks to amend Rule R56, which relates to detailed site investigations and discharges of contaminants. The Oil Companies oppose the deletion of the term “SLUR Category III land” and its replacement with “contaminated land”. SLUR Category III land is clearly defined in the Proposed Regional Plan, but contaminated land is not. Therefore, the relief sought may result in inconsistent application of the plan and unintended consequences.
 - 7.4 The Oil Companies have an interest in the relief sought in relation to Objective O17, Policies P4, P28 and P90, and Rules R42, R55 and R57. 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. *KThomas*

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

Dated this 9th day of October 2019

Address for Service:

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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

Wellington International Airport Limited

C/O – Amanda Dewar

Via email: amanda@amandadewar.com

Minister of Conservation

Via Email: kanton@doc.govt.nz