

**FURTHER SUBMISSION ON THE PROPOSED NATURAL RESOURCES PLAN
FOR THE WELLINGTON REGION**

29 March 2016

To: Greater Wellington Regional Council
Further Submissions on Proposed Natural Resources Plan for the Wellington Region
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Name: Z Energy Limited BP Oil Limited
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WELLINGTON **AUCKLAND**

Mobil Oil NZ Limited
PO Box 1709
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(The Oil Companies)

ADDRESS FOR SERVICE BURTON PLANNING CONSULTANTS LIMITED
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1 INTRODUCTION

- 1.1 Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (*the Oil Companies*) receive, store and distribute refined petroleum products.
- 1.2 The Oil Companies core business relates to the operation and management of their individual service station networks, commercial refuelling facilities and bulk storage (Terminal) facilities at ports and airports and associated pipelines. The Oil Companies also supply petroleum products to individually owned businesses. Hydrocarbons are the principal substance managed by the Oil Companies.
- 1.3 Within the Greater Wellington Region, the Oil Companies own, operate and/or supply the bulk fuel terminals, service stations and truck stops and supply various commercial activities.
- 1.4 Under the Resource Management Act 1991 (RMA), the Oil Companies bulk storage facilities and pipeline infrastructure are a significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated.
- 1.5 The Oil Companies seek to ensure that the provisions of the Proposed Natural Resources Plan do not unreasonably and/or unnecessarily restrict the Oil Companies' development and maintenance activities and oil industry standardised procedures. Accordingly, the Oil companies have an interest in the Plan that is greater than the interest that the general public has.

2 THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION.**3 IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.****4 THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.****5 THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT-**

(A) ADVERSELY AFFECTS THE ENVIRONMENT; AND

(B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Dated at TAKAPUNA this 29th day of March 2016

Signature of person authorised to sign on behalf of The Oil Companies



Nadine Perera
Principal Planner

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FURTHER SUBMISSIONS TO PROPOSED NATURAL RESOURCES PLAN GREATER WELLINGTON REGIONAL COUNCIL

Name of Person/group making original submission	Original submission Number	Provision	Support/ Oppose Original Submission	Parts of the Submission Supported/Opposed	Reasons	Relief Sought Allow/ Disallow
NZ Transport Agency	S146/031	153 Reverse Sensitivity Definition	Support	Amend the definition of reverse sensitivity: The vulnerability of an existing lawfully-established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activities, thereby creating the potential for the operation, <u>maintenance, upgrade and development</u> of such existing activity to be constrained.	It is appropriate to recognise the vulnerability of existing lawfully established activities to proposed new activities in the vicinity which may be sensitive to the effects generated by the existing activities. The additional words sought by the NZTA provide better protection for established activities.	Allow
South Wairarapa District Council	S366/012	16.00 2.1.6 Definitions, Schedules and Maps	Support	Include a new Definition in the Plan for Best Practicable Option, <u>Best practicable option, in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—</u> <u>(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</u> <u>(b) the financial implications, and the effects on the environment, of that</u>	BPO is already defined in this way in the RMA.	Allow

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				<p><u>option when compared with other options; and</u> <u>(c) the current state of technical knowledge and the likelihood that the option can be successfully applied</u></p>		
Vector Gas Ltd	S145/004	17.00 2.2 Definitions	Support	<p>Add a new definition: <u>Best practicable option, means the best site, route or method for preventing or minimising the adverse effects on the environment having regard, among other things, to:</u> <u>(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects;</u> <u>and</u> <u>(b) the financial implications, and the effects on the environment, of that option when compared with other options; and</u> <u>(c) the current state of technical knowledge and the likelihood that the option can be successfully applied.</u></p>	<p>This definition includes a reference to 'site and route' as well as method and, unlike the RMA definition, applies in a broader sense than to discharges of contaminants or emission of noise. If BPO is used in a broader context, then this definition would be helpful.</p>	Allow
NZ Transport Agency	S146/007	17.00 2.2 Definitions				
NZ Steel	S15/002	17.00 2.2 Definitions-	Oppose	<p>Add a definition for 'contaminant'. Proposed definition: 'Contaminant includes: oil, petrol, diesel, paint, solvents, natural soil particles, nutrients, eco-toxicants, pathogens, sewage and sediment at levels known to adversely impact aquatic health, aquatic ecosystem</p>	<p>Contaminant is already defined in the RMA.</p>	Disallow

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				health and mahinga kai outcomes as described in Tables 3.1-3.54 [3.1-3.8] of Chapter 3 (Objectives) of the [Proposed] Natural Resources Plan for the Wellington Region’.		
NZ Transport Agency	S146/020-	17.00 2.2 Definition	Support in part	Add a new definition of the term groundwater monitoring bore: <u>A structure or hole in the ground constructed for the specific purpose of monitoring groundwater depth or quality.</u>	The submission is supported in so far as it does not affect the further submitter’s submission S55/071 to the definition of Bore which seeks to exclude temporary well pointing and associated dewatering from the definition of Bore.	Allow in part
Wellington Electricity Lines Limited	S126/011	17.00 2.2 Definitions	Support-	Add a new definition for ‘Maintenance’ as follows: ‘Maintenance means the replacement, repair or renewal of existing infrastructure and where the effects of that utility remain the same or similar in character, intensity and scale.’	This would provide a greater degree of certainty than reliance on the ordinary definition of maintenance.	Allow
Wellington Electricity Lines Limited	S126/008-	189.00 Upgrade	Support-	Support the term ‘Upgrade’ being defined in the Proposed NRP and seek it is retained, unaltered-	The submission is supported for the reasons outlined in the submission.	Allow
Meridian Energy Limited	S82/007.	189.00 Upgrade	Support in part	Amend the definition of ‘upgrade’ as follows (or similar wording):	The further submitter supports the inclusion of ‘ <u>or to improve the functional characteristics of structures</u>	Allow in part

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				<p>Use and development to bring existing structures or facilities up to current standards <u>or to improve the functional characteristics of structures or facilities, provided the upgrading itself does not give rise to any significant adverse effects on the environment and provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity and</u></p> <p><u>(a) in relation to renewable electricity generation activities, includes increasing the generation or transmission capacity, efficiency or security of regionally significant infrastructure and replacing support structures within the footprint of authorised activities.</u></p>	<p><u>or facilities,'. That is a reasonable interpretation of upgrade. The inclusion of 'the upgrading itself does not give rise to any significant adverse effects on the environment and provided ' is not supported.</u> The latter text is considered unnecessary in the context of the effects of the upgrade activity having to be the same or similar in character, intensity and scale as the existing structure and activity.</p> <p>The further submitter is neutral with respect to the addition of (a).</p>	
NZ Transport Agency	S146/014	65.00 Earthworks	Support	<p>Amend the definition: The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or</p>	Bores, including geotechnical bores, have their own definition and rule framework and therefore this amendment clarifies that such activities are not	Allow

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Vector Gas Ltd	S145/007	65.00 Earthworks		by cutting or filling operations, or by root raking. Earthworks do not include: (a) (i) <u>The construction, repair or maintenance of a bore or geotechnical investigation bore.</u>	also controlled by the earthworks rules.	
The Oil Companies	S55/069	147.00 Regionally Significant Infrastructure	Support in part	Retain the definition of regionally significant infrastructure	The submission is supported on the basis that the definition also includes specific reference to the 'Seaview Fuels Terminal including bulk fuel supply infrastructure and storage tanks for bulk liquids and associated wharflines'. This submission is consistent with the Oil Companies primary submission that the Seaview Wharf is regionally significant infrastructure [S55/022] and also with submission S55/074 which seeks to adopt any other such relief including additions, deletions or consequential amendment necessary as a result of the	Allow with amendments

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					matters raised in submissions, as necessary to give effect to the submissions.	
NZ Transport Agency	S146/064	205.10 3. Objectives	Support	Add new objective: <u>Discharges associated with regionally significant infrastructure are managed through the adoption of the best practicable option.</u>	It is appropriate to recognise BPO within the objectives.	Allow
Vector Gas Limited	S145/016	205.10 3 Objectives.	Support In Part	Add new objective: <u>The safe, effective and efficient use, operation, maintenance, upgrade and development of regionally significant infrastructure is provided for.</u>	The objective is required to provide for, and address the identified issues relating to, infrastructure and to properly give effect to the RPS.	Allow
Ravensdown Limited	S310/012	210.10 3.2 Beneficial Use and Development	Support	Add new Objective O13B that addresses reverse sensitivity issues and requires new sensitive activities to be appropriately located within the existing environment recognising existing lawfully established activities may generate effects unacceptable to the new sensitive activity	It is appropriate to include an objective in relation to reverse sensitivity effects. The existing reverse sensitivity objectives only apply to certain areas / activities, when they should apply more broadly. The intent of the submission is therefore supported. A new objective to this effect could be supported subject to appropriate wording.	Allow

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Chorus NZ Limited, Spark New Zealand Trading Limited	S144/005, S98/005	217.00. Objective 012: Benefits of regionally significant infrastructure	Support-	Amend Objective O12 as follows: Objective O12(Coastal) The social, economic, cultural, and environmental <u>and health and safety</u> benefits of regionally significant infrastructure and renewable electricity generation activities are recognised. <u>Objective O12A</u> <u>Recognise that some regionally significant infrastructure has a functional need and/or operational requirement to be located and/or operated in a particular environment.</u>	It is appropriate to recognise and consider the health and safety benefits of regionally significant infrastructure and that <u>some regionally significant infrastructure has a functional need and/or operational requirement to be located and/or operated in a particular environment.</u>	Allow
Wellington International Airport	S282/00.8	217.00 Objective 012: Benefits of Regionally Significant Infrastructure	Support-	Amend Objective O12 as follows: The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised <u>and provided for</u>	It is appropriate to provide for the use and development of regionally significant infrastructure. This will link the 'recognition' of the benefits provided by infrastructure to the realisation of such benefits through development activity.	Allow
South Wairarapa District Council, Masterton District Council	S366/041, S367/041	217.00 Objective 012: Benefits of Regionally Significant	Support in Part-	Reword Objective O13 to read: The use, <u>and</u> ongoing operation, <u>and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected	The wording simplifies and clarifies the intent of the objective. It is appropriate to include upgrade in the objective. The ability of existing activities to upgrade	Allow in part

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		Infrastructure-		from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.	should be considered when identifying and assessing reverse sensitivity effects.	
Wellington Electricity Lines Ltd	S126/013	217.00 Objective 012: Benefits of Regionally Significant Infrastructure-	Support in part-	Amend O13 include the word 'development' as follows: 'The <u>development</u> , use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.'	The submission is supported in part insofar as it seeks to include 'development' of regionally significant infrastructure. The use of the term 'development' is consistent with the term 'upgrade' which is defined in the plan as including, inter alia, 'development'. On that basis, the defined term is preferred, and the relief sought by South Wairarapa District Council and Masterton District Councils [S366/041 and S367/041] is preferred.	Allow in part
Transpower NZ Ltd	S165/006	218.00 Objective 013 Protecting Regionally Significant Infrastructure	Support-	Amend Objective O13 as follows: The <u>ongoing use, and ongoing operation, maintenance and upgrade</u> of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible <u>or</u>	Shifting the position of the term 'ongoing' is supported, as is the inclusion of the term 'maintenance'. It is appropriate to apply the objective widely in relation to the continuance of existing such activities.	Allow

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				inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.	There is a need for a reverse sensitivity objective to apply more broadly than just to the CMA.	
Wellington International Airport Limited	S282/009-	218.00 Objective 013 Protecting Regionally Significant Infrastructure	Support-	Amend Objective O13 as follows: The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent in close proximity to the infrastructure or activity-	'Adjacent' and 'in close proximity to' could be seen to have similar meanings, adjacent being in and around, but not necessarily adjoining. That said, it is appropriate to clearly recognise the extent to which existing activities can be affected by reverse sensitivity effects and the change could be seen to assist in interpretation.	Allow
Vector Gas Limited	S145/020	226.00 High Hazard Areas	Support-	Retain Objective O21, subject to provisions which confirm that regionally significant infrastructure is appropriate as sought elsewhere in this submission.	It is important to recognise and provide for the functional and operational constraints and requirements of regionally significant infrastructure within the CMA and beds of lakes and rivers.	Allow
Kiwi Rail Holdings	S140/024	248.00 Objective 043:	Support-	Amend Objective O43 Contaminated land is identified and managed to protect human health and	Human health effects are specifically managed in accordance with the NES Contaminated Sites and no	Allow

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		Contaminated land.		the environment from unacceptable contamination related effects.	specific reference to them is required. It is appropriate to identify the purpose of the intent to identify and manage contaminated land.	
Rural Residents Environmental Society Incorporated.	S125/008	249:00 Objective 044 Landuse Impacts on Soil and Water.	Oppose	Amend to read: Land use activities will not create a contaminated site.	The submission is opposed in that it is overly simplistic, unrealistic and is written as an outcome rather than an objective. Land use activities do not seek to create a contaminated site, but that is sometimes the unintentional outcome of some land use activities. The inclusion of such an objective would effectively create a zero tolerance for the use of hazardous substances.	Disallow
Rural Residents Environmental Society Incorporated	S125/009	256:00 Objective 051 Hazardous Substances.	Oppose	Amend to read: The discharge of hazardous substances to land is managed to protect human health, property, and the environment and will not create a contaminated site.	The submission is opposed in that it fails to have regard to the need to avoid, remedy or mitigate adverse effects generated by land use activities, thereby managing all land uses to ensure they have acceptable effects. It also needs to be recognised	Disallow

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					that management cannot always result in complete protection particularly with regard to existing contaminated sites which may continue to discharge hazardous substances.	
Chorus New Zealand Limited, Spark New Zealand Trading Limited	S144/008 S98/008	268:00 Policy P4: Minimising Adverse Effects-	Support in part-	Amend Policy P4 as follows: Where minimisation of adverse effects is required by policies in the Plan minimisation means reducing adverse effects of the activity to the smallest amount practicable <u>having regard to the nature and objectives of the activity and shall include:....'</u>	The submission is supported in so far as the amendment proposed provides recognition of the nature and objectives of the activity within the policy. Otherwise, depending on the context, the Policy could be read as requiring a reduction in effect to the smallest amount practicable irrespective of the activity and even if this required a reduction in effect greater than would otherwise be required to avoid, remedy or mitigate an adverse effect. The submission is also supported on the basis that it does not affect the further submitter's primary	Allow

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					submission S55/012 which also seeks to amend Policy 4.	
Rural Residents Environmental Society Incorporated	S125/012-	268:00 Policy P4: Minimising Adverse Effects	Oppose	Good management practices should use the best international practices where they are more rigorous in protecting the environment than New Zealand industry best practice or common practice.	The submission is opposed in that it is unnecessary. Every situation is different and statutory bodies already seek to manage activities by avoiding, remedying, or mitigating adverse effects within the NZ context. International practices can be irrelevant to the NZ situation, which considers management of contaminants in terms of best practicable option. International practises should only be referred to where no NZ standard is applicable, and even then international standards have to be applied with caution, having regard to the specific context and circumstances of the situation. The submission fails to recognise the extent that the Ministry for the Environment provides the necessary	Disallow

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					standards for management of contaminated sites.	
Chorus New Zealand Limited	S144/009	271:00 Policy P7: Uses of land and Water	Support	Amend Policy P7 as follows: The cultural, social and economic benefits of using land and water for: <u>(l) Regionally Significant Infrastructure.</u>	This is consistent with the objectives relating to Regionally Significant Infrastructure.	Allow
Wellington Electricity Lines Limited	S126/014	272:00 Policy P8: Beneficial Activities	Support in part	Support P8 to the extent that it covers existing electricity structures and facilities that were legally established at the time of the PNRP notification.	The submission is supported in that it supports provisions of the plan which recognise maintenance and use of existing structures and facilities in the coastal marine area as being beneficial and generally appropriate.	Allow
Spark NZ Trading Limited, Chorus New Zealand Limited	S98/010, S144/010	273:00 Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers	Support	Amend P9: Reduction in the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers shall be avoided except where it is necessary to: <u>(d) protect Regionally Significant Infrastructure.</u>	There are potentially instances where, due to the installation or existence of Regionally Significant Infrastructure, or other activities having a functional or locational requirement to locate within and along the CMA or on or within the coastal edge, public access in such areas is either temporarily or permanently disrupted.	Allow

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Meridian Energy Limited	S82/013.	276:00 Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities.	Support in part-	Retain Policy P12.	The submission is supported except insofar as changes are proposed to clause (e) Refer to further submission to Chorus New Zealand Limited S144/011, Spark New Zealand Trading Limited S98/011 below.	Allow in part
Chorus New Zealand Limited, Spark New Zealand Trading Limited	S144/011, S98/011	276:00 Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities-	Support	Amend Policy P12 as follows: (e) <u>the functional need for and the operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities, including where those activities are proposed within areas of outstanding natural character and landscapes, high hazards, sites of significant value, ecosystems and habitats with significant indigenous biodiversity value, natural features, sites significant historic heritage value, and sites with significant Mana Whenua .</u>	It is appropriate, and consistent with the objectives, to recognise the benefits of regionally significant infrastructure, and to refer to the functional need for such infrastructure to be located in certain areas.	Allow

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Transpower NZ Limited	S165/008-	276:00 Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities-	Support in part	Amend Policy P12, as follows: The <u>national, regional and local</u> benefits of regionally significant infrastructure and renewable electricity generation facilities are recognised <u>and provided for</u> by having regard to:	The amendment to the policy, to recognise and provide for the benefits of regionally significant infrastructure, are supported. The inclusion of 'and provided for' adds a practical dimension to the policy. While it may be helpful to specifically acknowledge that regionally significant infrastructure can have national, regional and local effects, some may not necessarily have all three. If that text is to be retained, it would be more appropriate to make a consequential amendment and include 'and/or'.	Allow
Powerco	S29/034	390:00. Policy 126: Site Dewatering	Support-	Modify Policy 126 as follows: Localised land subsidence or <u>significant</u> adverse effects of dewatering ... shall be minimised.	The submission is supported as although the Oil Companies made the same submission it has been summarised under policy 12 rather than policy 126 to which it relates. In terms of the application of the policy, site dewatering by the Oil	Allow

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					Companies for service station tank replacement, if required, usually only occurs for less than 5 -10 days. As a result the Oil Companies consider the policy should be directed at significant adverse effects as short term effects will be less than minor and adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water can be minimised.	
Vector Gas Ltd	S145/053.	456:00 R41: All other discharges – discretionary activity	Support	Retain Rule 41.	A catch all discretionary activity status is supported. This is consistent with an enabling consenting framework.	Allow
NZ Transport Agency	S146/142.					

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Kapiti Coast District Council	S117/056	457:00 R42: Minor Discharges Permitted activity (Water Discharges)	Support-	<p>Option 1: Create new rule ‘Minor discharges from dewatering activities for regionally significant infrastructure’ as follows: The discharge of contaminants into water, or onto or into land where it may enter water that is not permitted, controlled, restricted discretionary, discretion, non-complying or prohibited by any other rule in this Plan is a permitted activity provided the following conditions are met:</p> <p>(a) where the discharge may enter groundwater, the discharge is not located within 50m of a bore used for water abstraction for potable supply or stock water, and</p> <p>(b) if the discharge is from dewatering, the discharge is not from contaminated land, and</p> <p>(c) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</p> <p>(d) the discharge shall not give rise to the following effects after the zone of reasonable mixing: water is unsuitable for consumption by farm animals, or (vi) any significant adverse effects on aquatic life</p>	<p>The submission is supported in that it makes specific provision for dewatering activities associated with regionally significant infrastructure. This is consistent with the enabling provisions for regionally significant infrastructure, while recognising the need to manage potential adverse effects. However the inclusion of the new rule should not be at the expense of existing Rule R42. A new rule relating to dewatering <i>only</i> for regionally significant would need to be included in addition to and not instead of existing Rule R42.</p>	Allow

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				(i) a change in the pH of 0.5pH unit, or (ii) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or (iii) any conspicuous change in the colour or visual clarity, or (iv) any emission of objectionable odour, or (v) the fresh water is unsuitable for consumption by farm animals, or (vi) any significant adverse effects on aquatic life		
Kapiti Coast District Council	S117/057	457:00 R42: Minor Discharges Permitted activity-	Support-	Option 2: Create new rule 'Minor discharges from dewatering activities for regionally significant infrastructure - controlled activity' as follows: the discharge of water from dewatering activities for regionally significant infrastructure that does not meet permitted activity standards is a controlled activity.	The submission is supported in that it makes specific provision for dewatering activities associated with regionally significant infrastructure that are not otherwise permitted. This is consistent with the enabling provisions for regionally significant infrastructure, while recognising the need to manage potential adverse effects.	Allow
Kapiti Coast District Council	S117/073	557.00 Rule R140: Dewatering -	Support in part	Create new rule 'Dewatering for regionally significant infrastructure' as follows: The take of water and the associated diversion and discharge of	The Oil Companies support existing Rule R140 (albeit in a modified form). A new rule relating to dewatering	Allow in part

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		permitted activity		that water for the purpose of dewatering a site, including but not limited to, maintenance, excavation, construction or geotechnical testing for regionally significant infrastructure, is a permitted activity, provided the following conditions are met: (a) the take continues only for the time required to carry out the work, and (b) the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land, and (c) the take does not cause ground subsidence, and (d) the take does not deplete water in a water body, and (e) there is no flooding beyond the boundary of the property.	<i>only</i> for regionally significant may be appropriate but it would need to be included in addition to and not instead of existing Rule R140.	
Vector Gas Ltd	S145/068	557.00 Rule R140: Dewatering - permitted activity	Support	Amend Rule 140: The take of water and ... (a) ... (d) the take does not <u>permanently</u> deplete water in a water body, and ...	The submission is supported in that it makes specific provision for dewatering activities and is consistent with the Oil Companies submission.	Allow
Transpower NZ Ltd	S165/069	557.00 Rule R140: Dewatering -	Support	(b) the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land , and	The deletion of potentially contaminated land is supported. The term is ambiguous and undefined.	

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		permitted activity			The Rule is supposed to complement Rule 42, and Rule 42 does not include reference to potentially contaminated land.	
Spark New Zealand Trading Limited, Chorus New Zealand Limited	S198/021, S144/022	469:00 Rule R54: Site Investigation Permitted Activity	Support In part	<p>Consideration is given to the accidental discovery protocol</p> <p>Amend Rule R54 as follows:</p> <p>(a) the assessment is undertaken in accordance with the Contaminated Land Management Guidelines No 1: Reporting on Contaminated Land (2011), and</p> <p>(b) <u>if more than 25m³ per 500m² of soil is disturbed</u>, the assessment is reported in accordance with the Contaminated Land Management Guidelines No 1: Reporting on Contaminated Land (2011), and</p> <p>(c) a copy of the report is provided to the Wellington Regional Council two months after the completion of the assessment.</p> <p><u>Note, regionally significant infrastructure providers are specifically excluded from requiring to comply with Rule54, provided the exclusion parameters listed under R55 (and any subsequent provisions) are met.</u></p>	<p>While consideration should be given to an accidental discovery protocol this should not be a standard in a rule.</p> <p>The concept of including soil disturbance thresholds is supported in principle because not all site sampling will need to comply with the guidelines. This is consistent with the Oil Companies own submission which sought that the conditions need only be met where the scale of the activity necessitates it. A consequential amendment arising from the Oil Companies submission may be to require a SQEP to demonstrate in writing that the scale of the activity does not require the conditions to</p>	Allow in part

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					be met. That could complement an appropriate quantitative threshold (although the soil disturbance from the NESSC may not necessarily be the most appropriate threshold).	
Powerco, The Oil Companies	S29/054, S55/063	567:00	Support in part	Retain Rule R149 with the following modifications: The maintenance or repair of a structure <u>and the maintenance, repair and replacement of any services attached to a structure</u> in the coastal marine area, including any associated: ... is a permitted activity, provided the following conditions are met: (f) the maintenance and repair of the structure <u>or service</u> is contained within the form of the existing structure and there is no increase in length, width, or height of the existing structure (except for increases for the purposes of replacement, removal and alterations of existing <u>services attached to structures</u>) <u>aerial telecommunications</u>	The submissions are supported in that they seek amendment to the rule to clarify whether or not it applies to services attached to structures. However rather than using the term 'services' in the amendment it may be more appropriate to use the term 'infrastructure'. The use of the term infrastructure within Rule 149 would be consistent with its use throughout the plan. The scope for this amendment is found in the submissions of Powerco and the Oil Companies, which seek to	Allow with amendment

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				<p>cables where these activities will not result in increases in design voltage and the new or altered cables will not be lower in height above the foreshore or seabed), and</p> <p>(g) for structures identified in Schedule E1 (heritage structures) the materials used for maintenance and repair of the structure and/ or service shall match the existing structures...</p>	<p>make consequential amendments as required. This change would not alter the intent of the submission but would rather promote a consistent drafting approach.</p>	
Powerco, The Oil Companies	S29/055, S55/064	586:00.	Support in part	<p>Modify Rule R168 as follows The alteration of a structure or service attached to a structure identified in Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids) in the coastal marine area, including any associated...</p>	<p>The submission is supported in that it seeks amendment to the rule. Rather than using the term ‘services’ in the amendment it is appropriate to replace this with ‘infrastructure’. The use of the term infrastructure within Rule 168 is consistent with its use throughout the plan.</p>	Allow with amendment
NZ Transport Agency	S146/147	462.10 5.2.3 Stormwater	Support	<p>Add a new rule: <u>Existing permitted or otherwise lawfully established discharges of stormwater into water or onto or into land where it may enter water from a port, airport, railway or state highway existing at the date of notification of the Proposed Natural Resources Plan is a permitted activity.</u></p>	<p>This is a pragmatic approach consistent with the enabling provisions for regionally significant infrastructure. Existing such discharges should be permitted, and consent should only be required for new such</p>	Allow

Name of Person/group making original submission	Original submission Number	Provision	Support/ Oppose Original Submission	Parts of the Submission Supported/Opposed	Reasons	Relief Sought Allow/ Disallow
					discharges as of the date of notification of the Plan.	
Kevin Tearney	S154/003	469.00 Rule R54: Site investigation - permitted activity	Support	Change the wording to be within 3 months of completion of the assessment. Set out how Council will manage the information. Reference documents such as 'the current edition of'.	The change is consistent with the corresponding requirement in the NESCS in relation to tank replacement and removal activities. Council should identify how it will manage the information provided. The most up to date documents should be incorporated.	Allow
Regional Public Health	S136/010	470.00 Rule R55: Discharges from contaminated land - permitted activity	Oppose in Part	That the proposed rule (b) (i) be amended to read 'the concentration of contaminants in groundwater meets the Drinking Water Standards New Zealand 2005 (Revised 2008) for safe drinking water.'	The concentration of contaminants in groundwater should be risk based and should not apply regardless of groundwater characteristics, uses, sensitivity or capacity. The Oil Companies own submission raised concerns about allaying the drinking water standard specified.	Disallow in part
Kevin Tearney	S154/004	471.00 Rule R55: Discharges	Support	Clarify what is sought after 31 July 2017. Address condition (b) drafting error. Requirement for consenting of sites	The submission is consistent with the Oil Companies own submission on Rule 55A.	Allow to the extent it is consistent

Name of Person/group making original submission	Original submission Number	Provision	Support/ Oppose Original Submission	Parts of the Submission Supported/Opposed	Reasons	Relief Sought Allow/ Disallow
		from contaminated land - discretionary activity		should be risk based and not defined by the NZ Drinking Water Standards or ANZECC guidelines.		with the outcomes sought in the Oil Companies submission
Kiwi Rail Holdings Limited	S140/052	471.00 Rule R56: Discharges from contaminated land - discretionary activity	Support in part	Amend Rule 56. The use the land, and discharge of contaminants onto or into land from contaminated land where the discharge may enter water that is not permitted ...	The use of land is addressed by the NESCS and there should be no need to duplicate that regulatory control. A consequential amendment may be to clarify the reference to 'use of land' in R56, such that it refers to 'the use of land to assess the concentration of hazardous substances that may be present in the soil and any associated discharges into air', which is consistent with the permitted activity Rule R54.	Allow in part
Vector Gas Ltd	S145/057	482.00 Rule R67: Discharges inside sites of significance - non	Support	Amend Rule 67: The discharge of water or contaminants into water, or onto or into land where it may enter water: <u>... or (c) that is not a discharge associated with a regionally significant infrastructure</u>	The inclusion is supported in principle insofar as it would recognise the potential conflict between the values of such waterbodies and regionally significant infrastructure.	Allow

Name of Person/group making original submission	Original submission Number	Provision	Support/ Oppose Original Submission	Parts of the Submission Supported/Opposed	Reasons	Relief Sought Allow/ Disallow
		complying activity				
Meridian Energy Limited	S82/028	482.00 Rule R67: Discharges inside sites of significance - non complying activity	Support.	<p>Amend Rule R67 by exempting stormwater discharges that are otherwise permitted or controlled or restricted discretionary activities or changing the consent status as follows:</p> <p>The discharge of water or contaminants into water, or onto or into land where it may enter water, <u>except stormwater discharges:</u></p> <p>...(b) that is not permitted by Rules R42, R43, R44 or R45 is a non-complying <u>complying</u> discretionary activity.</p>	It is entirely appropriate to exempt stormwater discharges. Discretionary activity status is considered an appropriate catch-all status.	Allow

NZ Transport Agency	S146/208	600.00 Rule R182: Occupation of space by a structure owned by a network utility operator - permitted activity	Support	<p>Amend Rule R182:</p> <p><i>Occupation of space by <u>regionally significant infrastructure and a structure owned by a network utility operator – permitted activity</u></i></p> <p><i>The occupation of space in the common marine and coastal area by a structure existing before the date of public notification of the Proposed Natural Resources Plan (31.07.2015) <u>which is regionally significant infrastructure or</u></i></p>	The submission is supported on the basis that it is appropriate to provide for occupation of space by regionally significant infrastructure as a permitted activity, in addition to the occupation of space by a structure owned by a network utility operator. The Point Howard and Seaview Wharf are	Allow with a consequential amendment.
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				<i>owned by a network utility operator is a permitted activity.</i>	significant facilities and a wharf line goes under Point Howard Wharf to Seaview wharf and services oil terminals in the Seaview area. One consequential change is, however, requested to the heading to clarify (as per the changes to the rule itself) that the rule covers both regionally significant infrastructure and structures owned by a network utility operator. Otherwise the change to the heading could be read to indicate that the rule pertains to regionally significant infrastructure that is owned by a network utility operator.	
Spark New Zealand Limited, Chorus New Zealand Limited	S98/027, S144/028	566.00 5.7.2 Coastal management general conditions	Support	Amend 5.7.2(c): (c) there is no disturbance of the foreshore or seabed to a depth greater than 0.5m <u>2.0m</u> below the seabed or foreshore with the Hutt Valley Aquifer zone shown on Map 30, and	The submission is supported in that it more appropriately provides for activities to occur beneath the Seaview and Point Howard Wharves, which are located in the Hutt Valley Aquifer zone.	Allow
Spark New Zealand Trading Limited, Chorus New Zealand Limited	S98/028, S144/029	568.00 Rule R150: Minor additions or alterations to	Support	Amend R150 and R161 to clearly define thresholds for minor additions or alterations to structures.	The submissions is supported insofar as there may be a need to more clearly define the thresholds for minor additions or	Allow

		structures - permitted activity Rule 161 New Structure, Addition or Alteration outside sites of significance			alterations to structures or any infrastructure (services) attached to structures within the coastal marine area, and to have a clear and unambiguous regulatory framework in place. It is noted that Rule 161 does not cross reference Rules 150 or 151, when it should. That consequential change should be made ('not permitted by R 150, R151 or R156...')	
Porirua City Council	S163/131	569.00 Rule R151: Additions or alterations to structures - controlled activity	Support	Retain Rule 151.	Rule 151 is an appropriate tool to provide for activities in the coastal marine area that meet certain conditions and which are not provided for as permitted activities.	Allow
Powerco, The Oil Companies	S29/056, S163/065	587.00 Rule R169: Additions or alterations to structures identified in Schedule E1 and or Schedule E2 - restricted discretionary activity	Support	Retain Rule 169.00	The primary submission seeks to retain the rule on the basis that amendments are made to rules 149 and 168. The amendments proposed to these rules seek that recognition be given to infrastructure (services) attached to a structure as well as the structure itself. It is therefore also appropriate to include reference to infrastructure within this	Allow with amendments to the rule, and make the consequential change sought

					<p>rule. The scope for this lies as a consequential change to the relief sought in respect of R149 and R168. To facilitate consistent administration and clarity and certainty, Rule 169 should be consequentially amended as follows:</p> <p><i>The addition or alteration to a structure <u>or infrastructure attached to a structure identified in Schedule E1 (heritage Structure) or Schedule E2 (wharves and boatsheds).....</u></i></p>	
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