

8 March 2024

To: Greater Wellington Regional Council  
Environmental Policy  
PO Box 11646, Manners St  
Wellington 6142  
Attn: Hearings Advisor

By email: [regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz)

SLR Project N: 810.V16097.00001

**Further Submission on Proposed Plan Change 1 to the Natural  
Resources Plan for the Wellington Region**

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**Submitter:**

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Mobil Oil New Zealand Limited  
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Z Energy Limited<sup>1</sup>  
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Hereafter referred to as the **Fuel Companies**

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Attention: Georgina McPherson

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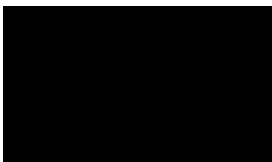
<sup>1</sup> On behalf of the wider Z group, including the Z Energy and Caltex operations in New Zealand.

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## Introduction

1. bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the **Fuel Companies***) were a submitter (submitter number 258) on Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region.
2. The Fuel Companies' interest in the proposed plan is greater than the interest of the general public.
3. The Fuel Companies further submissions are as contained in the attached Table in **Schedule A**.
4. **The Fuel Companies wish to be heard in support of this submission.**
5. If others make similar submissions the Fuel Companies may be prepared to consider presenting a joint case with them at any hearing.
6. The Fuel Companies could not gain an advantage in trade competition through this submission.

Signed on behalf of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited



**Georgina McPherson**  
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**Attachments:** Schedule A: Fuel Companies' further submission to Proposed Plan Change 1 to the Natural Resources Regional Plan for the Wellington Region



## Schedule A: Fuel Companies Further Submissions and relief to Proposed Plan Change 1 to the Natural Resources Regional Plan for the Wellington Region

Name of person/group making original submission	Original submission number	Provision	Stance on the submission point:	Decision sought	Reason for position and relief sought
S151 Wellington Water	S151.08	Definition for Earthworks	Support	Allow submission and reinstate existing exclusions from the definition of 'earthworks' within Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua unless appropriate exclusions are carried over to the rules, in particular those exclusions relating to the laying and maintenance of underground pipes and the repair, sealing or resealing of a road, footpath, driveway.	Removal of the exclusions will result in a large number of consent requirements for minor earthworks activities and affect the ability to undertake routine maintenance and repair work on underground infrastructure and sealed areas in a timely and cost-effective manner.



<p>S151 Wellington Water Ltd</p>	<p>S151.020</p>	<p>Definition for High risk industrial or trade premise</p>	<p>Oppose</p>	<p>Disallow the submission and do not make the changes sought.</p>	<p>Inclusion of '<i>sites in relation to which the relevant stormwater discharge consents have not been granted and/or applied for</i>' under the definition of 'high risk industrial or trade premise' is opposed as it is unrelated to the level of risk and may capture sites that are not used for industrial or trade purposes.</p> <p>Inclusion of '<i>sites that have been used for the listed purposes in the past, and still generate contaminants in stormwater, but which are not currently used for any of those purposes</i>' in the definition of 'high risk industrial or trade premise' is also opposed. It is unclear how contaminants that are no longer present on the site would continue to be entrained in stormwater. There appears to be cross-over with contaminated land and passive discharge issues, which are already managed in a distinct way under the NRP.</p>
<p>S248 Ara Poutama Aotearoa the Department of Corrections</p>	<p>S248.013</p>	<p>Definition for High risk industrial or trade premise</p>	<p>Support</p>	<p>Allow submission and make the changes sought to the rules relating to new or redeveloped impervious surfaces at high risk industrial or trade premises.</p>	<p>Agree that provision should be made for a reasonable level of impervious surface development or redevelopment at high-risk industrial or trade premises as a permitted or controlled activity, subject to appropriate conditions to enable reasonable maintenance, upgrading or development in recognition that new or redeveloped impervious surfaces will perform better at containing hazardous substances than existing degraded surfaces.</p>



S257 Kāinga Ora	S257.006	Definition for Redevelopment	Support	Allow submission and make the changes sought.	Agree with submission S257.006 that reconstruction and replacement should be removed from the definition of 'redevelopment'.
S209 Enviro NZ Services Ltd	S209.003	Definition for Stormwater treatment system	Support	Allow submission and make the changes sought.	Agree that stormwater treatment systems will <u>reduce</u> contaminant loading but not necessarily entirely <u>remove</u> all contaminants.
S177 Transpower New Zealand Limited	S177.015	Rule R101: Earthworks - permitted activity.	Support	Allow submission and make the changes sought.	Existing Rule R101 provides reasonable conditions for undertaking 'all other earthworks' that are less than 3,000m <sup>2</sup> that are not otherwise permitted by WH.R23 and P.R22 and should continue to apply in Whaitua Te Whanganui-a-Tara and Te Awarua-o Porirua Whaitua
S31 Stormwater360	S31.003	Table 8.4: Target attribute states for rivers.	Oppose	Disallow submission on the basis of uncertainty.	While the intent of the submission to achieve consistency throughout the rules and policies can be supported in principle, the specific changes sought to Table 1 and 2 of Schedule 28: Stormwater Contaminant Treatment to reflect dissolved metals, together with the implications of those changes, are uncertain.
S225 Upper Hutt City Council	S225.072	Policy WH.P7: Discharges to groundwater.	Support	Allow submission and make the changes sought.	Agree that the policy should be amended to clarify which discharges the policy relates to and the policy intent.



S225 Upper Hutt City Council	S225.075	Policy WH.P10: Managing adverse effects of stormwater discharges.	Support	Allow submission and make the changes sought.	Agree that policy should be amended to focus on stormwater networks rather than individual developments. This would assist in addressing overlap and inconsistency between the regional plan and district plans which are increasingly introducing regulation of stormwater discharges at the individual site level, including requirements around hydrological control, contaminant treatment and water sensitive design.
S33 Wellington City Council	S33.046	Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces	Support	Allow submission and make appropriate changes to avoid overlap of regulation of stormwater	While both district and regional councils have a role to play in the management of stormwater discharges, the regulation of exactly the same matters at a district and regional level creates a huge administrative burden on a wide range of activities, does not appear to be clearly effects based, and confuses the relationship with other approval processes in relation to stormwater discharges including the district plans, the regional plan, the Wellington Water Regional Standard for Water Services and requirements for network operator approvals.
S257 Kāinga Ora	S257.019	Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces.	Support	Allow submission and make the changes sought.	Policy should be amended to focus on those areas where contaminant loading is higher in recognition that not all impervious surfaces will necessarily hold contaminants



S101 Wellington International Airport Limited	S101.054	Policy WH.P29: Management of earthworks.	Support	Allow submission and make the changes sought.	It is unclear whether Policy WH.P29 is intended to apply just to Rural land use, in line with the heading in this section of the Plan Change, or to all earthworks. Any policy applying to earthworks in an urban setting should focus on managing the adverse effects, rather than risk of sediment discharges from earthworks.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.026	Policy WH.P29: Management of earthworks.	Support	Allow submission and make the changes sought.	The policy as currently worded is too absolute and does not recognise that even with implementation of best practice erosion and sediment control measures it may not always be practicable to retain all soil and sediment on site.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.027	Policy WH.P30: Discharge standard for earthworks.	Support	Allow submission and retain policy as sought	The standards set out in the policy are reasonable.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.031	Rule WH.R4: Stormwater from an existing high risk industrial or trade premise - permitted activity	Support	Allow submission and make the changes sought.	Subject to the relief sought in the Fuel Companies own submission, expanding the scope of the rule to apply to both existing and new high risk industrial or trade premises is supported.



S33 Wellington City Council	S33.060	Rule WH.R5: Stormwater from new and redeveloped impervious surfaces - permitted activity.	Support	Allow submission and make the changes sought.	Support intent of submission to avoid regulatory overlap of stormwater discharges at both a district and regional level. Such overlap creates higher consenting costs, is not effects based and confuses the relationship across other approval processes.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.032	Rule WH.R5: Stormwater from new and redeveloped impervious surfaces - permitted activity.	Support	Allow submission and make the changes sought.	A discretionary activity status for any new or redevelopment of existing impervious surfaces at high risk industrial or trade premises is unduly onerous and may result in the delay of redevelopment projects and further deterioration of impervious surfaces, leading to increased risk of accidental release of contaminants or hazardous substances to the environment. Provision should be made for such work to be undertaken as a permitted activity, subject to appropriate standards.
S257 Kāinga Ora	S257.028	Rule WH.R5: Stormwater from new and redeveloped impervious surfaces - permitted activity.	Support	Allow submission and make the changes sought.	Support applying the threshold to new or additional areas of impervious surface only and not to redevelopment and increasing the impervious surface threshold above 1,000m <sup>2</sup> .





S33 Wellington City Council	S33.062	Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas - controlled activity.	Support	Allow submission and make the changes sought.	Support intent of submission to avoid regulatory overlap of stormwater discharges at both a district and regional level. Such overlap creates higher consenting costs, is not effects based and confuses the relationship across other approval processes.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.034	Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas - controlled activity.	Support	Allow submission and make the changes sought.	A discretionary activity status for any new or redevelopment of existing impervious surfaces at high risk industrial or trade premises is unduly onerous and may result in the delay of redevelopment projects and further deterioration of impervious surfaces, leading to increased risk of accidental release of contaminants or hazardous substances to the environment. Provision should be made for such work to be undertaken as a controlled activity, subject to appropriate standards.



S33 Wellington City Council	S33.065	Rule WH.R11: Stormwater from new and redeveloped impervious surfaces - discretionary activity.	Oppose	Reject submission in part and do not make the changes sought as they apply to discharges from high-risk trade and industrial premises.	Support intent of submission to avoid regulatory overlap of stormwater discharges at both a district and regional level. However, seek to ensure a consenting pathway remains available for high-risk trade and industrial premises to obtain their own discharge consent even where the discharge is through a local authority stormwater network. Without such a pathway, high-risk trade and industrial premises would be reliant on the relevant local authority network discharge consent to provide for stormwater discharges from the facility (including in relation to redevelopment of impervious surfaces at existing sites), many of which specifically exclude discharges from such sites and may need to be varied to allow for such discharges to occur.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.035	Rule WH.R11: Stormwater from new and redeveloped impervious surfaces - discretionary activity.	Support	Allow submission and make the changes sought.	Support provision for a reasonable level of new or redevelopment of impervious surfaces at high-risk trade or industrial premises under permitted and controlled activity rules WH.R5, WH.R6 and WH.R7 subject to appropriate conditions.



<p>S248 Ara Poutama Aotearoa the Department of Corrections</p>	<p>S248.036</p>	<p>Rule WH.R12: All other stormwater discharges - non-complying activity</p>	<p>Support</p>	<p>Allow submission and make the changes sought.</p>	<p>Support a discretionary, rather than non-complying, activity status as a default for stormwater discharges not complying with other rules, particularly in the context that small breaches of the permitted activity standards under WH.R2, WH.R3, and WH.R4 would trigger a non-complying status. In relation to WH.R4, it is noted that an existing high-risk industrial or trade premise that was unable to meet one of the permitted activity standards would default to NC under WH.R12, whereas a new site or redevelopment at an existing site requires discretionary consent under WH.R11. A non-complying activity status for discharges from an existing site is considered unduly onerous.</p>
<p>S151 Wellington Water Ltd</p>	<p>S151.099</p>	<p>Rule WH.R23: Earthworks - permitted activity.</p>	<p>Support</p>	<p>Allow submission and make the changes sought.</p>	<p>Consider it appropriate to carry over existing exemptions for minor earthworks such as those required for the laying, maintenance, upgrade and replacement of underground infrastructure and repair of existing paved areas. Rule WH.R23 as notified will result in consent requirements and associated costs for significant numbers of earthworks activities and is not reflective of the level of potential contaminates generated by small-scale earthworks undertaken with best practice erosion and sediment control measures in place.</p>



S177 Transpower New Zealand Limited	S177.041	Rule WH.R23: Earthworks - permitted activity.	Support	Allow submission and make the changes sought.	Support the relief sought as an effective way of resolving the conflict between clause (g) and the 'minor discharges' rule R91.
S177 Transpower New Zealand Limited	S177.042	Rule WH.R24: Earthworks - restricted discretionary activity	Support	Allow submission and make the changes sought.	Support the relief sought as consequential to the changes sought by S177 to Rule WH.R23, which are supported, subject to the relief sought in relation to WH.R24 in the Fuel Companies own submission.
S177 Transpower New Zealand Limited	S177.043	Rule WH.R25: Earthworks - non-complying activity.	Support	Allow submission and make the changes sought.	Consider a discretionary, rather than non- complying, activity status is appropriate in the event the standards in WH.R24 cannot be met, and there is insufficient evidence to justify a non-complying status.
S240 Porirua City Council S240.041	S240 Porirua City Council S240.041	Policy P.P10: Managing adverse effects of stormwater discharges.	Support	Allow submission and make the changes sought.	Agree that policy should be amended to avoid overlap between district and regional plan hydrological controls.



S33 Wellington City Council	S33.096	Policy P.P13: Stormwater discharges from new and redeveloped impervious surfaces.	Support in part	Allow submission and make appropriate changes to avoid overlap of regulation of stormwater	While both district and regional councils have a role to play in the management of stormwater discharges, the regulation of exactly the same matters at a district and regional level creates a huge administrative burden on a wide range of activities, does not appear to be clearly effects based, and confuses the relationship with other approval processes in relation to stormwater discharges including the district plans, the regional plan, the Wellington Water Regional Standard for Water Services and requirements for network operator approvals.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.050	Policy P.P27: Management of earthworks sites.	Support	Allow submission and make the changes sought.	The policy as currently worded is too absolute and does not recognise that even with implementation of best practice erosion and sediment control measures it may not always be practicable to retain all soil and sediment on site.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.051	Policy P.P28: Discharge standard for earthworks sites.	Support	Allow submission and retain policy as sought	The standards set out in the policy are reasonable.



S248 Ara Poutama Aotearoa the Department of Corrections	S248.055	Rule P.R4: Stormwater from an existing high risk industrial or trade premise - permitted activity	Support	Allow submission and make the changes sought.	Subject to the relief sought in the Fuel Companies own submission, expanding the scope of the rule to apply to both existing and new high risk industrial or trade premises is supported.
S33 Wellington City Council	S33.110	Rule P.R5: Stormwater from new and redeveloped impervious surfaces - permitted activity.	Support	Allow submission and make the changes sought.	Support intent of submission to avoid regulatory overlap of stormwater discharges at both a district and regional level. Such overlap creates higher consenting costs, is not effects based and confuses the relationship across other approval processes.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.056	Rule P.R5: Stormwater from new and redeveloped impervious surfaces - permitted activity.	Support	Allow submission and make the changes sought.	A discretionary activity status for any new or redevelopment of existing impervious surfaces at high risk industrial or trade premises is unduly onerous and may result in the delay of redevelopment projects and further deterioration of impervious surfaces, leading to increased risk of accidental release of contaminants or hazardous substances to the environment. Provision should be made for such work to be undertaken as a permitted activity, subject to appropriate standards.



S257 Kāinga Ora	S257.056	Rule P.R5: Stormwater from new and redeveloped impervious surfaces - permitted activity.	Support	Allow submission and make the changes sought.	Support applying the threshold to new or additional areas of impervious surface only and not to redevelopment and increasing the impervious surface threshold above 1,000m <sup>2</sup> .
S33 Wellington City Council	S33.112	Rule P.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas - controlled activity.	Support	Allow submission and make the changes sought.	Support intent of submission to avoid regulatory overlap of stormwater discharges at both a district and regional level. Such overlap creates higher consenting costs, is not effects based and confuses the relationship across other approval processes.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.058	Rule P.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas - controlled activity.	Support	Allow submission and make the changes sought.	A discretionary activity status for any new or redevelopment of existing impervious surfaces at high risk industrial or trade premises is unduly onerous and may result in the delay of redevelopment projects and further deterioration of impervious surfaces, leading to increased risk of accidental release of contaminants or hazardous substances to the environment. Provision should be made for such work to be undertaken as a controlled activity, subject to appropriate standards.



S33 Wellington City Council	S33.115	Rule P.R10: Stormwater from new and redeveloped impervious surfaces - discretionary activity.	Oppose in part	Reject submission in part and do not make the changes sought as they apply to discharges from high-risk trade and industrial premises.	Support intent of submission to avoid regulatory overlap of stormwater discharges at both a district and regional level. However, seek to ensure a consenting pathway remains available for high-risk trade and industrial premises to obtain their own discharge consent even where the discharge is through a local authority stormwater network. Without such a pathway, high-risk trade and industrial premises would be reliant on the relevant local authority network discharge consent to provide for stormwater discharges from the facility (including in relation to redevelopment of impervious surfaces at existing sites), many of which specifically exclude discharges from such sites and may need to be varied to allow for such discharges to occur.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.059	Rule P.R10: Stormwater from new and redeveloped impervious surfaces - discretionary activity.	Support	Allow submission and make the changes sought.	Support provision for a reasonable level of new or redevelopment of impervious surfaces at high-risk trade or industrial premises under permitted and controlled activity rules WH.R5, WH.R6 and WH.R7 subject to appropriate conditions.





<p>S248 Ara Poutama Aotearoa the Department of Corrections</p>	<p>S248.060</p>	<p>Rule P.R12: All other stormwater discharges - non-complying activity</p>	<p>Support</p>	<p>Allow submission and make the changes sought.</p>	<p>Support a discretionary, rather than non-complying, activity status as a default for stormwater discharges not complying with other rules, particularly in the context that small breaches of the permitted activity standards under WH.R2, WH.R3, and WH.R4 would trigger a non-complying status. In relation to WH.R4, it is noted that an existing high-risk industrial or trade premise that was unable to meet one of the permitted activity standards would default to NC under WH.R12, whereas a new site or redevelopment at an existing site requires discretionary consent under WH.R11. A non-complying activity status for discharges from an existing site is considered unduly onerous.</p>
<p>S151 Wellington Water Ltd</p>	<p>S151.130</p>	<p>Rule P.R22: Earthworks - permitted activity.</p>	<p>Support</p>	<p>Allow submission and make the changes sought.</p>	<p>Consider it appropriate to carry over existing exemptions for minor earthworks such as those required for the laying, maintenance, upgrade and replacement of underground infrastructure and repair of existing paved areas. Rule WH.R23 as notified will result in consent requirements and associated costs for significant numbers of earthworks activities and is not reflective of the level of potential contaminates generated by small-scale earthworks undertaken with best practice erosion and sediment control measures in place.</p>



S177 Transpower New Zealand Limited	S177.067	Rule P.R22: Earthworks - permitted activity.	Support	Allow submission and make the changes sought.	Support the relief sought as an effective way of resolving the conflict between clause (g) and the 'minor discharges' rule R91.
S177 Transpower New Zealand Limited	S177.068	Rule P.R23: Earthworks - restricted discretionary activity	Support	Allow submission and make the changes sought.	Support the relief sought as consequential to the changes sought by S177 to Rule P.R22, which are supported, subject to the relief sought in relation to P.R23 in the Fuel Companies own submission.
S177 Transpower New Zealand Limited	S177.069	Rule P.R24: Earthworks - non-complying activity.	Support	Allow submission and make the changes sought.	Consider a discretionary, rather than non- complying, activity status is appropriate in the event the standards in P.R23 cannot be met, and there is insufficient evidence to justify a non-complying status.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.068	Schedule 28: Stormwater Contaminant Treatment.	Support	Allow submission.	Could support additional focus on management of suspended solids as an alternative way of achieving copper and zinc reductions where target load reductions are unrealistic.
S248 Ara Poutama Aotearoa the Department of Corrections	S248.069	Schedule 29: Stormwater Impact Assessments.	Support	Allow submission and make the changes sought.	Support changes as consistent with the relief sought by S248 to the stormwater rules, and which is supported by the further submissions of the Fuel Companies.

