

4 February 19

Chief Executive
401 Grey Street
Private Bag 3038
Waikato Mailing Centre
HAMILTON 3240

By e-mail: healthyrivers@waikatoregion.govt.nz

Dear Sir/Madam,

Re: HEARING STATEMENT ON BEHALF OF THE OIL COMPANIES (SUBMITTER 73716) ON PLAN CHANGE 1 OF THE PROPOSED WAIKATO REGIONAL PLAN: BLOCK 1 – OVERVIEW AND CONTEXT

1.0 INTRODUCTION

- 1.1 I refer to the abovementioned matters set down for hearing commencing 11th March. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (“the Oil Companies”) will not be presenting evidence at the Block 1 – Overview and Context hearing, but instead advise of its position in respect of these submission points through this tabled statement.
- 1.2 This statement has been prepared on behalf of the Oil Companies (identified as submitter 73716) and represents its views. The statement relates to those submissions by the Oil Companies relevant to Block 1 – Overview and Context.
- 1.3 It would be appreciated if you could table this statement before the Waikato Regional Council (WRC) Hearings Panel.

2 CHAPTER 3.11 (INTRODUCTION)

- 2.1 The Oil Companies considers that Plan Change 1 (PC1) has been developed with the explicit intent to address and manage water quality issues associated with farming activities and their associated discharges (that is, the respective point and non-point source discharges into both the Waikato River and Waipa River catchments arising from farming activities). The section 32 Report, the proposed rule framework and reference to Overseer Best Practice Data Input Standards (an agriculture management tool which models the cycling of nutrients within farming operations) all suggest PC1 is not attempting to capture and control, for example, stormwater and other discharges associated with the urban environment - noting that such discharges are already controlled explicitly by the Waikato Regional Plan (WRP). The Oil Companies submission sought to clarify the intent of PC1 to control farming activities rather than, for example, the likes of stormwater or construction discharges.
- 2.2 As relevant to the Block 1 hearings, the Oil Companies sought the following changes to the introduction to Chapter 3.11 (additions in underline, deletions in ~~striketrough~~):

This Chapter 3.11 applies to the Waikato and Waipa River Catchments. The map shown in Map 3.11-1 shows the general catchment boundary. This Chapter is additional to all other parts of the Plan. ~~Where there are any inconsistencies, Chapter 3.11 prevails.~~ This Chapter only applies to discharges from pastoral farm land.
- 2.3 The Reporting Planner recommends rejecting the relief sought by the Oil Companies as useful additions to the introductions to Chapter 3.11, stating that “all people, communities and industries

need to contribute to the achievement of the targets and limits in PC1”¹. While this is, in part, accepted, the notified rule framework specifically targets farming activities and associated discharges. Furthermore, the Section 32 Report accompanying PC1 did not address urban stormwater as an issue PC1 is seeking to control and the report recognised an urban water quality management framework already exists within the region. No justification was provided for controlling both urban and rural discharges through PC1 in policy terms.

- 2.4 The primary concern of the Oil Companies is ensuring the policy framework (particularly policies 10 – 13) is applied or targeted only to farming activities and their associated discharges (as it is considered it was intended) to prevent the unintended application of the objectives and policies to urban activities (such as construction dewatering and stormwater discharges – which are already controlled by the WRP) or to impose an additional and unnecessary hurdle for other non-targeted discharges. While evidence on the proposed policy framework will be heard in the later hearing blocks, the issue regarding the scope of the application of PC1 is considered relevant to Block 1 and has therefore been addressed by way of the Oil Companies submission to amend the introduction of Chapter 3.11 (refer to paragraph 2.2 of this letter).
- 2.5 It is noted by the Oil Companies that officers consider that the matter of ‘shared responsibility’ (that is, reference to both urban and rural communities), “is more appropriately addressed via the policies of PC1, which are discussed in Section C3 of this Report, rather than in the values and uses section”². As such, the Council do not recommend any changes to address submissions regarding ‘shared responsibility’ / scope of PC1 as part of the Block 1 hearings.
- 2.6 The Oil Companies can accept this position in part, in that recommendations around policy changes subject to later hearing blocks may clarify and or resolve the Oil Companies’ concerns. The Oil Companies therefore reserve their concerns on the implications of “shared responsibility”.

3 RECOMMENDATION TO THE HEARINGS PANEL

- 3.1 Accept in part the staff suggestion that the nature of the shared responsibility (or scope of PC1) may be best addressed in the context of the policies of PC1 but recognise that there may be a need for some consequential changes to the introduction section relating to the clarification of scope and application of PC1 depending upon the outcome of the hearings on the policies.

4 CONCLUDING STATEMENT

- 4.1 Thank you for your time and acknowledgement of the issues raised in the Oil Companies submission. Please do not hesitate to contact the writer on (022) 684 6882 should you wish to clarify any matters addressed herein.

Kind Regards,

John McCall

Planning and Policy Consultant | Int.NZPI

4Sight Consulting Ltd

¹ Section 42A Report Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (paragraph 488, page 89)

² Section 42A Report Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (paragraph 179, page 34)