



# Submission Form

Send your submission to reach us by  
**4 pm on Tuesday, 10 August 2021**

Submission Number  
*Office use only*

<b>Post:</b> The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	<b>or Fax:</b> 0800 884 882	<b>or email:</b> rps@boprc.govt.nz
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**Submitter:** \_\_\_\_\_ THE OIL COMPANIES (Refer within) \_\_\_\_\_

This is a submission on **Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement**

- 1 I **could/could not\*** gain an advantage in trade competition through this submission. [\*select one]
- 2 I **am/am not\*** directly affected by an effect of the subject matter of the submission that [\*select one]
  - (a) adversely affects the environment, and
  - (b) does not relate to trade competition or the effects of trade competition

*[Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]*
- 3 The details of my submission are in the attached table.
- 4 I **wish/do not\*** wish to be heard in support of my submission. [\*select one]
- 5 If others make a similar submission, I will consider presenting a joint case with them at a hearing. *[Delete if you would not consider presenting a joint case.]*

\_\_\_\_ Mitchell Fuller (4Sight Consulting on behalf of the Oil Companies) \_\_\_\_\_

*[Signature of person making submission or person authorised to sign on behalf of person making submission.]*

\_\_\_\_\_  
**Date**

*[NOTE: A signature is **not** required if you make your submission by electronic means.]*

**Contact person:** *[Name and Designation if applicable]* Mitchell Fuller

Telephone:

Daytime: 0210602400

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Submissions contain personal information within the meaning of the Privacy Act 2020. By taking part in this public submission process, submitters agree to any personal information (including names and contact details) in their submission being made available to the public and published on our website, and for the information collected to be held in accordance with our Privacy Statement available at [www.boprc.govt.nz](http://www.boprc.govt.nz).

BOPRC ID: A3683287

The specific provisions of the proposal that my submission relates to are:

Page No	Reference (Issue, Objective, Policy, or Method)	Support/Oppose	Decision Sought What changes you would like to see	Give Reasons
NA	<i>Please refer to the attached document</i>	<i>Please refer to the attached document</i>	<i>Please refer to the attached document</i>	<i>Please refer to the attached document</i>


**SUBMISSION ON PLAN CHANGE 5 TO THE BAY OF PLENTY REGIONAL  
POLICY STATEMENT PURSUANT TO CLAUSE 6 OF THE FIRST  
SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

**To:** The Chief Executive  
Bay of Plenty Regional Council  
PO Box 364  
Whakatāne 3158

Via email only: [rps@boprc.govt.nz](mailto:rps@boprc.govt.nz)

**Submitter:** Z Energy Limited  
PO Box 2091  
**WELLINGTON 6140**

BP Oil New Zealand Limited  
PO Box 99873  
**AUCKLAND 1149**

*Hereafter referred to as the Oil Companies*

**Address for service:**

4Sight Consulting Limited  
201 Victoria Street West  
PO Box 911 310  
Victoria St West  
Auckland 1142

Attention: Mitchell Fuller

Phone: 021 060 2400  
Email: [mitchelf@4sight.co.nz](mailto:mitchelf@4sight.co.nz)

## **A. INTRODUCTION**

1. Z Energy Limited and BP Oil New Zealand Limited (*the Oil Companies*) receive, store and distribute refined petroleum products, including retail facilities within the Kaituna River catchment, namely in Te Puke. The bulk storage (terminal) and marine facilities operated by the Oil Companies are outside the Kaituna River catchment.
2. Proposed Plan Change 5 (Kaituna River) (PC5) to the Bay of Plenty Regional Policy Statement (RPS) addresses issues affecting the Kaituna River. This submission is focused on providing appropriately for the ongoing operation, maintenance, and upgrading of the Oil Companies' activities in the catchment, particularly temporary construction dewatering takes to enable the replacement of underground petroleum storage systems.

## **B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN CHANGE THAT THE OIL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:**

3. The Oil Companies support the intent to improve water quality, and maintain water quantity, for iwi and future generations. In particular, the Oil Companies support Objectives 42 and 43 and Policy KR 4B. These provisions appropriately recognise the economic benefits of providing for groundwater abstraction where it can occur in a sustainable manner.
4. In addition to the specific outcomes and relief sought, the following general relief is sought:
  - a) Achieve the following:
    - i. The purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
    - ii. Give effect to the National Policy Statement for Freshwater Management;
    - iii. Assist the Council to carry out its functions under Section 30 RMA;
    - iv. Meet the requirements of the statutory tests in section 32 of the RMA; and
    - v. Avoid, remedy or mitigate any relevant and identified environmental effects;
  - b) Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the RPS that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and
  - c) Any other relief required to give effect to the issues raised in this submission.

**THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION.**

**IF OTHERS MAKE SIMILAR SUBMISSIONS THE OIL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING.**

**THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**

**THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF SUBMISSION THAT –**

- i. **ADVERSELY AFFECTS THE ENVIRONMENT; AND**
- ii. **DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

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

A handwritten signature in black ink, appearing to read 'mfuller', written in a cursive style.

**Mitchell Fuller**  
Planning and Policy Consultant  
10<sup>th</sup> August 2021

## SCHEDULE 1 – TEMPORARY DEWATERING

### A. The specific parts of the Proposed Plan that are subject of this submission are:

- Objectives 42 and 43, which are supported
- Policy KR4B, which is supported

### B. The reasons for the submission are:

Dewatering takes are important for the installation and maintenance of underground infrastructure and for many construction activities. For the Oil Companies, temporary construction dewatering takes are most relevant to the installation of underground assets, primarily fuel storage tanks, where groundwater is less than five to six metres below ground level. These dewatering takes are essential to enable the safe and appropriate installation of underground fuel storage tanks in line with the relevant code of practice<sup>1</sup>, including allowing contractors to safely access the base of tank pits to anchor tanks to beams to help prevent them floating out of position.

While dewatering may, in a technical sense, be considered a form of abstraction, it is the result of the interception of groundwater rather than any desire to take and or use that water. Significant measures are in fact taken to minimise the volume of water taken, typically including overlapping metal piles (sheet piles) around the perimeter of a tank pit to minimise lateral movement of water through the walls of the excavation.

Temporary construction dewatering takes are unusual in that measures are typically taken to reduce the amount of water to be taken and the water itself is not of benefit to the taker. They are, however, important to enable a range of activities, including encouraging replacement/upgrading of aging underground infrastructure.

Tank installs are infrequent activities with tanks typically having a 20 to 25-year life cycle. The duration of dewatering takes is the time taken to excavate below the water table to complete the tank pit base preparation, install the tank, and backfill the excavation. This is typically less than 10 days. The potential effects of these temporary and shallow dewatering takes on water quantity are limited, and this is widely recognised in a range of plans around the country.

The Oil Companies seek to ensure that the RPS objectives and policies provide appropriate policy support for these activities noting the requirement for the regional plan to give effect to the RPS. To do otherwise, for instance through provisions requiring avoid of over allocation or adverse effects, may lead to prohibited or difficult consenting pathways and ultimately not provide appropriately for activities necessary to ensure timely replacement of underground infrastructure. This could potentially result in adverse environmental effects.

#### ***Objectives 42 and 43***

Objectives 42 and 43 are proposed as follows:

##### *Objective 42*

*There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua ecological and recreational values*

##### *Objective 43*

*Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural wellbeing of iwi, hapū and communities now and for future generations*

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<sup>1</sup> HSNOCOP 44: Below ground stationary container systems for petroleum – design and installation, June 2013