

**FURTHER SUBMISSIONS ON THE FRESHWATER PLANNING INSTRUMENT  
PARTS OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT 2021  
PURSUANT TO CLAUSE 8 OF THE FIRST SCHEDULE OF THE RESOURCE  
MANAGEMENT ACT 1991**

**To:** Otago Regional Council  
70 Stafford Street  
Dunedin  
Attention: ORC Policy Team

By E-Mail only: [fpisubmission@orc.govt.nz](mailto:fpisubmission@orc.govt.nz)

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*Hereafter, collectively referred to as the Fuel Companies*

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

The Fuel Companies' further submissions are as contained in the attached Table.

1. The Fuel Companies' interest in the proposed plan is greater than the interest of the general public.
2. The Fuel Companies do wish to be heard in support of their further submissions.
3. If others make similar submissions the Fuel Companies may be prepared to consider presenting a joint case with them at any hearing.

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



Gavin McCullagh

Principal Planner

3 February 2023

Name of person/group making original submission	Original submission number	Provision / Topic	Relief sought by submitter (additions in underline, deletions in strike through)	Position of further submitter	Reason for support / opposition and relief sought by the further submitter
Director-General of Conservation	FPI044.019	LW-FW-P15	Amend by separating into two policies - one specific to wastewater and one specific to stormwater – and review to ensure that the effects of these two types of discharges are both adequately addressed.	Support	The nature and potential effects of wastewater and stormwater can be quite different. The Fuel Companies support the separation of stormwater and wastewater policies to ensure both are appropriately addressed.
Dunedin City Council	FPI001.021-023	LF-FW-P15	Retain and amend policy LF-FW-P15 to address the effects of stormwater discharges only. Duplicate policy LF-FW-P15 to create a new policy LF-FW-P15A, and amend wording accordingly to address the effects of wastewater discharges (including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent).	Support in part	The nature and potential effects of wastewater and stormwater can be quite different. The Fuel Companies support the separation of stormwater and wastewater policies to ensure both are appropriately addressed, including LF-FW-P15A. Additional amendments are required to give effect to the Fuel Companies’ submission re LF-FW-P15 as it relates to stormwater.
Kai Tahu ki Otago	FPI030.033	LF-FW-P15	Replace with two policies and amend those policies.	Support in part	The nature and potential effects of wastewater and stormwater can be quite different. The Fuel Companies support the separation of stormwater and wastewater policies to ensure both are appropriately addressed. The Fuel Companies support the intent of the balance of changes to LF-FW-P15A as drafted, which generally reflects the

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					amendments sought by the Fuel Companies in submissions.
Oceana Gold	FPI031.012	LF-FW-P15	It is unclear whether this policy is intended to apply to industrial discharges which contain contaminants, but may or may not be mixed with stormwater or waste water. To the extent that it does apply to industrial discharges, Oceana Gold requests amendments which recognise that there may be functional or locational constraints or other reasons of practicability as to why industrial discharges may be made to water, and to allow for direct irrigation to land with nitrate or sulphate rich water.	Support in part	The Fuel Companies consider the policy as notified requires that discharges of sewage and industrial or trade <b>waste</b> be discharged to the reticulated wastewater system. It does not require stormwater, which by its nature may contain contaminants, be discharged to wastewater. Clarity in this regard is supported. The Fuel Companies are neutral to the balance of the submission point.
Ravensdown	FPI017.011	LW-FW-P15	Amend Policy LF-FW-P15 as follows: Policy LF-FW-P15 – Stormwater discharges.  Minimise the adverse effects of direct and indirect discharges of stormwater to fresh water by:  (2) requiring:  (b) all stormwater to be discharged into a reticulated system, where one is <i>made</i> available <i>by the operator of the reticulated system, unless alternative treatment and disposal methods will result in improved environmental outcomes,</i>	Support	The Fuel Companies support the clarity provided by the amendments to 2(b), (c) and (e).

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			<p>(c) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring <i>into</i> reticulated stormwater systems,</p> <p>(e) <i>that any</i> stormwater discharges <i>do not prevent water bodies from</i> meeting any applicable water quality standards set for FMUs and/or rohe, and (</p> <p>f) the use of water sensitive design techniques to avoid or mitigate the potential adverse effects of contaminants on receiving water bodies from the subdivision, use or development of land, wherever practicable,</p> <p>(3) promoting the reticulation of stormwater in urban areas, <i>and</i></p> <p><i>(4) promoting source control as a method for reducing contaminants in discharges of stormwater.</i></p>		
Royal Forest and Bird	FPI045.019	LW-FW-P15	Amend as follows: <del>Minimise</del> <u>Avoid</u> the adverse effects of direct and indirect discharges of stormwater and wastewater to fresh water by: ...	Oppose	A direction to avoid adverse effects from stormwater discharges is not practicable, will effectively preclude a range of stormwater discharges, including network discharges, may preclude new greenfield development, and will not promote sustainable management. The avoidance direction sought by Royal Forest and Bird should be rejected.

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Wise Society Response	FPI035.016	LW-FW-P15	Amend to include new clause as follows: <i>(4) Where the use of environmentally hazardous substances cannot be entirely avoided, ensure use is essential and actively promote a shift to more benign and biodegradable alternatives</i>	Oppose	Hazardous substances are widely used and not practicably avoidable. The intent of the relief sought is better addressed by land use provisions addressing the storage and use of hazardous substances where not appropriately addressed by other regulation. As relevant to LW-FW-P15, the Fuel Companies seek amendments to achieve similar intent by promoting source control and recognizing the role of relevant guidelines.
Wise Response Society	FPI035.019	LW-FW-P*	New Policy: <i>Regional and district plans are to require the use of potentially harmful chemical substances to be fully justified and if use is approved, any polluting side effects will be monitored and reported on.</i>	Oppose	The explicit function of regional and territorial authorities to control hazardous substances was removed from the RMA by the RLAA in 2017. Regulation of hazardous substances in regional and district plans should only be considered when detailed evaluation identifies the need for a specific control. The nature of intervention proposed is not justified.