

24 October 2024

SLR Ref No.: 810.V15584.00001 0.2 - Gore HS7 Hearing Statement - the Fuel Companies (16) 20241023

Attention: Lindsey Crazy Wolf, Regulatory Administrator – District Plan

Gore District Council

Via email: proposeddistrictplan@goredc.govt.nz

SLR Project No.: 810.V15584.00001

RE: Gore Proposed District Plan – Hearing Stream 7 Hearing Statement of the Fuel Companies (Submitter 16)

Introduction

1. This hearing statement is prepared on behalf of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (the **Fuel Companies**) on Hearing Stream 7 (HS7) of the Gore Proposed District Plan (PDP). HS7 addresses the Earthworks provisions.
2. This hearing statement represents the views of the Fuel Companies and is not expert evidence. The Fuel Companies will not be attending the hearing but request that this hearing statement be tabled before the Hearing Panel.
3. The Fuel Companies have an interest in HS7 of the PDP to the extent that it relates to, or impacts on, their sites and activities in the Gore District.
4. The recommendations of the section 42A Report on the Earthworks Chapter, prepared by Tina Carlson-McColl on behalf of the Gore District Council dated 27 September 2024 (the **s42A Report**), have been reviewed as they relate to the Fuel Companies submission. Overall, the Fuel Companies support the intent of recommended changes to the earthworks provisions but suggest an amendment to EW-S5 for improved clarity.

Earthworks Rules Exemptions, EW-R5 and EW-S5

5. The Fuel Companies' submission seeking an exemption to the earthworks rules for the replacement / removal / installation of underground petroleum storage systems (UPSS) was rejected by Council on the basis that the NES-CS – which sets rules in relation to this activity – only manages contaminants in soil and does not manage other environmental effects, in particular site stability.¹ The Fuel Companies understand Council's desire to manage geotechnical effects but wish to highlight that UPSS replacement / installation works involve minimal stability risks as they are temporary in nature (completed within a few days), always reinstate the excavated area, and involve a range of controls to mitigate risk including sheet piling of the excavated perimeter (to stabilise the works area). As a result, many district plans throughout the country exempt the replacement / removal / installation of UPSS.
6. Given that Rule EW-R5 applies to the replacement / removal / installation of UPSS, the Fuel Companies have a particular interest in the applicable standards, including Standard EW-S5. It is noted that Standard EW-S5 applies to a range of earthworks projects, including small scale earthworks.

¹ Earthworks Section 42A Report, Paragraphs 165 and 186.

7. Standard EW-S5(1)(a) sets a zero-tolerance approach to any sediment content in stormwater runoff during earthworks. While the Fuel Companies appreciate Council's intent to manage sediment, the requirement to entirely prevent silt or sediment from entering the stormwater system is considered too absolute and unlikely to be achieved in all situations even where best practice silt and sediment measures are in place. When applied to all earthworks projects across the district, this approach is likely to generate high consenting costs that are not reflective of the level of potential contaminants generated by small-scale earthworks that are well managed in accordance with best practice erosion and sediment control measures, or the additional benefits, in terms of sediment reduction, that might be achieved by requiring a consent to be obtained.
8. The Fuel Companies consider that Standard EW-S5 should be amended to focus on the implementation of best practice erosion and sediment control measures rather than the absolute avoidance approach currently proposed. This could be achieved by making the following minor change:

EW-S5 Erosion, sediment and dust control

1. For the duration of earthworks or land disturbance measures must be implemented ~~to~~ in accordance with best practice erosion and sediment controls to:
 - a. Minimise the risk of Prevent silt or sediment ~~from~~ entering the stormwater system, overland flow paths, or roads;
 - b. Control erosion; and
 - c. Control dust beyond the boundaries of the site.

Concluding Statement

9. In summary, the Fuel Companies support the intent of the earthworks provisions but seek that the wording of EW-S5 is amended to focus on adherence to best practice erosion and sediment controls to minimise the risk of silt and sediment entering the receiving environment, rather than impose a zero tolerance threshold. The current approach is unrealistic and will result in significant consenting costs for a range of projects that does not reflect the level of risk where best practice erosion and sediment controls are in place.
10. Thank you for your time and acknowledgement of the issues raised in the submissions of the Fuel Companies. Please do not hesitate to contact the writer should you wish to clarify any matters addressed in this hearing statement.

Ngā mihi,

SLR Consulting New Zealand



Georgia Alston

Planner (Georgia.alston@slrconsulting.com)

