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1 December 2014

Queenstown Lakes District Council
Private Bag 50072
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Attention: Julia Chalmers

**RE: HEARING STATEMENT ON BEHALF OF THE OIL COMPANIES ON THE PROPOSED PLAN CHANGE 49
– EARTHWORKS**

1. INTRODUCTION

We refer to the abovementioned matter set down for hearing commencing on 3rd December 2014. The Oil Companies will not be attending the hearing as they are generally in agreement with the recommendations of the Reporting Planner.

This statement has been prepared on behalf of the Oil Companies and represents their views. The statement relates to the relevant submissions by the Oil Companies, including how they have been addressed in the Section 42A report, and focuses on those matters which could still inappropriately restrict or limit the existing and future operations of the Oil Companies.

It would be appreciated if you could table this statement before the Hearings Committee.

2. SUBMISSION NO. 49/55/1

The Oil Companies' submission opposed the sole reliance on avoidance in Objective 1 as it set an unreasonably high threshold for adverse effects associated with earthworks. The Oil Companies therefore support the intent of the revision to Objective 1 as proposed in Appendix 1 to the Section 42A report, subject to the one amendment as tracked below:

Objective 1

Enable earthworks that are part of subdivision, development, or ~~and~~ access, provided that they are undertaken in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment.

As currently proposed the use of 'and' is conjunctive and would not apply to works that were, for example, purely related to an access. Use of the disjunctive 'or' overcomes this potential issue.

Recommendation to the Committee: Adopt Objective 1 as recommended by the Reporting Planner in Appendix 1 to the S42A report, subject to the replacement of the conjunctive 'and' with the disjunctive 'or'.

3. SUBMISSION NO 49/55/2

The Oil Companies' original submission sought substantial changes to Policy 1.2 relating to environmental protections measures for earthworks. Policy 1.2 in Appendix 1 to the S42A report has been significantly amended and in particular specific environmental protection measures are no longer included as part of the policy and mitigation is now recognised alongside avoidance. The Oil Companies are now able to support the Policy proposed in Appendix 1 to the S42A report, subject to one minor revision as tracked below changes to recognise that avoidance renders mitigation unnecessary.

Use environmental protection measures to avoid ~~and~~ or mitigate adverse effects of earthworks.

Recommendation to the Committee: Adopt Objective 1 as recommended by the Reporting Planner in Appendix 1 to the S42A report, subject to the replacement of 'and' with 'or' to recognise that avoidance or mitigation may be appropriate.

4. Submission 49/55/3

The Oil Companies' original submission sought the retention without modification of Policies 1.1, 1.3 and 1.4. Policy 1.3 has not been retained, Policy 1.1 has been modified, and Policy 1.4 has been retained but renumbered as Policy 1.3. The Oil Companies support the revised Policies proposed in Appendix 1 to the S42A report.

Recommendation to the Committee: Adopt Policies 1.1 and 1.3 (previously 1.4) as proposed in Appendix 1 to the S42A report.

5. Submission 49/55/4 and 49/55/5

The Oil Companies' original submission sought the retention without modification of Objectives 3 and 6 and Policies 3.1 and 3.3. Modifications were sought to Policy 3.2 to remove any reference to dewatering.

Objectives 3 (Land Stability and Flooding) and 6 (Cultural Heritage and Archaeological Sites) have been retained without modifications in Appendix 1 to the Section 42A report.

Policy 3.1 has been modified as follows:

~~To ensure earthworks, in particular, - cut, fill and retaining, - do not impact on the stability of adjoining sites and are undertaken in accordance with appropriate engineering standards.~~

Policy 3.1 in Appendix 1 to the Section 42A report should be further revised (as tracked below) to better support Objective 3 and ensure that works which would improve stability are supported by the policy.

*Ensure earthworks, in particular, - cut, fill and retaining, - do not **adversely** impact on the stability of adjoining sites.*

The Oil Companies' original submission also raised concerns at the wording of Policy 3.2 which read 'To ensure earthworks do not cause or exacerbate flooding and avoid de-watering.' In particular the Oil Companies opposed reference to avoidance of dewatering. The redrafted policy should be further amended as follows to clarify the intent of this policy to avoid negative effects from de-watering: '....avoid, remedy or mitigate the **adverse** effects of de-watering.'

The Oil Companies are supportive of Policy 3.2 on the basis that the objective relates to stability and flooding from the activity (and not the take or discharge) and is therefore appropriate to the function of QLDC as a territorial authority.

Recommendation to the Committee: Adopt Objectives 3 and 6 as proposed in Appendix 1 to the S42A report but amend Policies 3.1 and 3.2 to specify that works should not cause adverse effects.

6. Submission 49/55/6

The Oil Companies' original submission sought the amendment of Policy 5.1 and the retention of Policy 5.2 without modification. Appendix 1 to the Section 42A report sets out that these policies have been combined into one policy and renumbered Policy 6.1 as follows

Policy 6.1

Avoid the location of earthworks in close proximity to water bodies, where practicable. Where this cannot be avoided, ensure that sediment control techniques are put in place to avoid sediment run-off.

The Oil Companies' concerns at the focus on avoidance are relevant to Policy 6.1 which should be further amended as follows '...sediment control techniques are put in place to avoid **or mitigate** sediment run-off' to again reflect that avoidance is an inappropriately high threshold and it not being possible to avoid it raining and therefore it being prudent to undertake sediment control works.

Recommendation to the Committee: Adopt Policy 6.1 as proposed in Appendix 1 to the S42A report with the above amendment to provide for mitigation.

7. Submission 49/55/7

The Oil Companies opposed Policies 6.2-6.6 relating to cultural heritage, archaeological sites and heritage landscapes. These policies have been revised significantly in Appendix 1 to the Section 42A report and are now written as follows:

Policy 7.1

Ensure that iwi are consulted regarding earthworks that may affect sites of significance to Maori, including Statutory Areas.

Policy 7.2

*Consult with Heritage New Zealand where proposed earthworks may affect any archaeological sites.
The Oil Companies support the amended policies.*

The Oil Companies support these policies without modification.

Recommendation to the Committee: Adopt Policies 7.1 and 7.2 as proposed in Appendix 1 to the S42A report.

8. Submission 49/55/8 and 49/55/9

The Oil Companies support the retention without modification of the reference at Section 22.3.1(v) to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Similarly the Oil Companies support the exemption provided at Section 22.3.2.1(b)(ii) to earthworks associated with the replacement and/or removal of a fuel storage system.

Recommendation to the Committee: Retain without modification Sections 22.3.1v and 22.3.2.1(b)(ii) as proposed in Appendix 1 to the Section 42A report.

9. Overall Recommendations to the Committee:

Subject to the amendments requested above by the Oil Companies it is recommended that the Committee adopt the Section 42A report.

Yours sincerely

BURTON PLANNING CONSULTANTS LIMITED

A handwritten signature in black ink, appearing to read 'Mark', with a long horizontal flourish extending to the right.

Mark Laurensen
Senior Planner