

**From:** Miles Rowe  
**To:** Audrey Benbrook  
**Subject:** RE: STREAM 5 SUBMITTERS & FURTHER SUBMITTERS & MINUTE 6  
**Date:** Friday, 25 August 2023 1:16:18 PM  
**Attachments:** [image007.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[0.png](#)  
[Fuel Companies Hearing Statement -HSS - Earthworks FINAL.pdf](#)  
[Z Energy Hearing Statement -HSS - Transport FINAL.pdf](#)

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Hi Audrey

As mentioned to you a few weeks ago, I have attached two hearing statements relating to hearing stream 5 to be tabled with the hearing panel:

- The Fuel Companies relating to the earthworks provisions; and
- Z Energy relating to the transport provisions.

Let me know if there are any queries.

Have a nice weekend.

Ngā mihi  
Miles

Miles Rowe  
Principal Planning Consultant  
Mobile: 027 276 2532



214 Collingwood Street, Hamilton Lake, Hamilton, Waikato 3204  
[4Sight Consulting](#) [LinkedIn](#)

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**From:** Audrey Benbrook <[audrey.benbrook@wmk.govt.nz](mailto:audrey.benbrook@wmk.govt.nz)>  
**Sent:** Wednesday, August 2, 2023 5:11 PM  
**To:** Miles Rowe <[Miles.Rowe@4sight.co.nz](mailto:Miles.Rowe@4sight.co.nz)>  
**Subject:** RE: STREAM 5 SUBMITTERS & FURTHER SUBMITTERS & MINUTE 6

Many thanks Miles, I will not to expect tabled evidence. Have a great evening.

Audrey

**Audrey Benbrook | Development Planning Administrator**  
Development Planning Unit

Phone: 0800 965 466 (0800 WMK GOV)  
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**From:** Miles Rowe <[Miles.Rowe@4sight.co.nz](mailto:Miles.Rowe@4sight.co.nz)>  
**Sent:** Wednesday, August 2, 2023 5:03 PM  
**To:** Audrey Benbrook <[audrey.benbrook@wmk.govt.nz](mailto:audrey.benbrook@wmk.govt.nz)>  
**Subject:** FW: STREAM 5 SUBMITTERS & FURTHER SUBMITTERS & MINUTE 6

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Hi Audrey

Thank you for the information and timetable regarding hearing stream 5.

For this process, 4Sight is representing the Fuel Companies (Z, Mobil and bp) on the earthworks topic and Z Energy who made a separate submission

on the transport topic.

Following a review of the s42A reports, the Fuel Companies and Z Energy do NOT wish to be heard for the hearing. However, the submitters do wish to table a brief hearing statement for consideration by the hearing panel. We intend to submit these hearing statements to you during the week of the hearing, if not earlier.

Kind Regards

Miles Rowe  
Principal Planning Consultant  
Mobile: 027 276 2532



214 Collingwood Street, Hamilton Lake, Hamilton, Waikato 3204  
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**From:** Audrey Benbrook <[audrey.benbrook@wmk.govt.nz](mailto:audrey.benbrook@wmk.govt.nz)>  
**Sent:** Friday, July 21, 2023 12:06 PM  
**Subject:** STREAM 5 SUBMITTERS & FURTHER SUBMITTERS & MINUTE 6

Stream 5 reports:

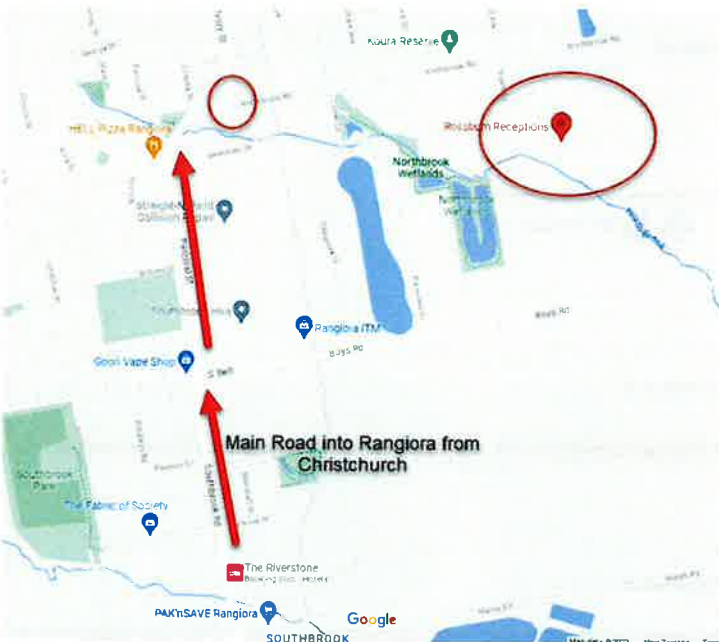
- Noise
- Signs
- Light
- Historic Heritage
- Notable Trees
- Energy and Infrastructure
- Transport
- Earthworks

The **Section 42A report(s) (s42A)** for this Hearing Streams are now on the website – <https://protect-au.mimecast.com/s/1LpCP7LALRqEPsBGWDI?domain=waimakariri.govt.nz>. One or more of the points in your submission or further submission are covered within these s42A reports, we encourage you to read the report to make an informed decision about whether you would still like to be heard.

Attached is the date and timeframes for your convenience.

Attached is also a copy of Minute 6 – this also can be found on our website.

Regards  
Audrey



25 August 2023

Hearings Administrator  
Waimakariri District Council

Attention: Audrey Benbrook

By e-mail: [audrey.benbrook@wmk.govt.nz](mailto:audrey.benbrook@wmk.govt.nz)

## PROPOSED WAIMAKARIRI DISTRICT PLAN HEARING STREAM 5: EARTHWORKS (AND OTHER TOPICS)

### HEARING STATEMENT ON BEHALF OF THE FUEL COMPANIES (SUBMITTER 276)

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#### 1. INTRODUCTION

- 1.1 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 5. 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 ask that this Hearing Statement be tabled before the Panel.
- 1.2 The Fuel Companies interest in this Hearing Stream relates only to the earthworks topic. The Fuel Companies generally endorse the recommendations in the Officers Report: Ketuketu whenua – Earthworks (*s42A report*) but seek to address the matter set out in the section below.

#### 2. EARTHWORKS – NEW RULE AND ADVICE NOTE EW-AN1

- 2.1 In their submission, the Fuel Companies sought clarity in the advice note EW-AN1 (clause 4) that the provisions do not apply to activities specifically regulated under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS). The advice note, as notified, states *“Earthworks managed under the NESCS and NESPF are not subject to provisions in this chapter other than where the District Plan deals with terms and conditions not covered in the NES or in the circumstances where the District Plan is allowed to be more stringent”*.
- 2.2 There are no rules in the Proposed Plan that permit or otherwise exempt earthworks associated with the removal or replacement of underground fuel storage tanks, therefore, the Fuel Companies consider that it remains unclear how the advice note is to be interpreted and applied, i.e. for activities that would otherwise be permitted by the NESCS. To address this issue, the Fuel Companies submission sought an amendment to advice note EW-AN1, as well as new permitted activity rule for earthworks associated with the operation, maintenance, removal or replacement of existing underground assets.
- 2.3 The s42A report accepts the submission on the advice note, with no explanation, but proposed different wording. The Fuel Companies consider the wording remains unclear and that the relief



in the submission referencing the activities regulated under the NESCS provides the necessary clarity.

- 2.4 In relation to the new rule sought, the submission point is rejected in the s42A report (paragraph 188) on the basis that a threshold volume is necessary for permitted activity earthworks. The Fuel Companies agree that it is appropriate for there to be earthworks volume thresholds. In fact, the NESCS stipulates volume threshold for the removal or replacement of underground fuel storage tanks that are already more restrictive than the volume thresholds stipulated in standard EW-S1 and Table EW-1. However, the Fuel Companies have issue with some of the other earthworks standards, such as the maximum permitted depth of excavation of 2m. As a result, the removal or replacement of underground tanks, which have foundations approximately 4- 5 metres below ground level, would require a consent under the Plan even though it may otherwise be permitted by the NESCS. It is noted that Rule EW-R8 (earthworks for underground infrastructure) is not subject to any standards and a similar approach could be taken to underground tanks.
- 2.5 The Fuel Companies remain of the view that this issue is best addressed by a specific new rule to permit or otherwise exempt earthworks associated with the removal or replacement of underground tanks, as sought by the submission. An alternatively worded rule is provided below.

*Earthworks undertaken in relation to the removal or replacement of a fuel storage system*

**Activity status: PER**

*Where:*

- 1. The activity complies with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NESCS); and*
- 2. EW-S3, EW-S4, EW-S6 and EW-S7 are met.*

- 2.6 In addition, the Advice Note EW-AN1 should be amended to reflect the intent of the above rule.

### **3. CONCLUDING STATEMENT**

- 3.1 Thank you for your time and acknowledgement of the issues raised in the submissions from the Fuel Companies. Please do not hesitate to contact the writer ([miles.rowe@4sight.co.nz](mailto:miles.rowe@4sight.co.nz), ph. 0272762532) should you wish to clarify any matters addressed herein.

Kind regards,



**Miles Rowe**  
Principal Planning Consultant  
**4Sight Consulting Ltd**

25 August 2023

Hearings Administrator  
Waimakariri District Council

Attention: Audrey Benbrook

By e-mail: [audrey.benbrook@wmk.govt.nz](mailto:audrey.benbrook@wmk.govt.nz)

## PROPOSED WAIMAKARIRI DISTRICT PLAN HEARING STREAM 5: TRANSPORT (AND OTHER TOPICS)

### HEARING STATEMENT ON BEHALF OF Z ENERGY LIMITED (SUBMITTER 286)

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#### 1. INTRODUCTION

- 1.1 This hearing statement is prepared on behalf of Z Energy Limited (*Z Energy*) on Hearing Stream 5. This hearing statement represents the views of Z Energy and is not expert evidence. Z Energy will **not** be attending the hearing but ask that this Hearing Statement be tabled before the Panel.
- 1.2 Z Energy's interest in this Hearing Stream relates only to the transport topic. Z Energy generally endorse the recommendations in the 'Officers Report: Ranga waka Transport (*s42A report*) but seek to address one matter in the section below.

#### 2. TRANSPORT – RULE TRAN-R20

- 2.1 In its submission, Z Energy raised concern with Rule TRAN-R20 (restricted discretionary activity) and associated table TRAN-1, which requires a consent where the traffic volume threshold for any specified zone is exceeded, including the preparation of an ITA (integrated traffic assessment) by a traffic engineer. The submission opposes the application of this rule to service stations and sought an exclusion from the rule. The submission point has been rejected in the *s42A report*, which states (at paragraph 230) "*exempting service stations is not necessary, as the approach adopted is zone based, not activity based.*"
- 2.2 Z Energy accepts that the rule is appropriate in some circumstances, such as for a new development, or where there is a change to an existing activity that results in an exceedance of the average daily traffic generation thresholds in Table TRAN-1. However, Z Energy considers that the rule is unclear on how it is intended to apply to physical alterations to an existing lawfully established activity which currently exceeds the daily volume threshold in TRAN-1. One such example, is the addition of electric vehicle charging infrastructure (EVCI) at service stations, which would be effectively replacing motor fuel vehicles rather than increasing traffic movements to and from the site. In these cases, Z Energy considers the activity should not trigger requirements in the rule as (a) no additional traffic volumes and effects are generated, and (b) it would significantly disincentivise the provision of EVCI. Similarly, there will be many circumstances where an addition to an existing building does not change the traffic volume.



- 2.3 For this reason, Z Energy seeks that Rule TRAN-R20 only apply to new activities beyond lawfully established existing activities and their existing daily vehicle movements. This could be achieved by an amendment to the Rule and/or a new advice note to the effect of the following:

*For existing lawfully established activities, TRAN-R20 is only applicable if a proposal seeks to increase the daily traffic volume.*

### **3. CONCLUDING STATEMENT**

- 3.1 Thank you for your time and acknowledgement of the issues raised in the submission from Z Energy. Please do not hesitate to contact the writer ([miles.rowe@4sight.co.nz](mailto:miles.rowe@4sight.co.nz), ph. 0272762532) should you wish to clarify any matters addressed herein.

Kind regards,

A handwritten signature in black ink, appearing to be 'Miles Rowe', with a long horizontal flourish extending to the right.

**Miles Rowe**  
Principal Planning Consultant  
**4Sight Consulting Ltd**