

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER submissions and further submissions to the Freshwater Planning Instrument
Parts of the Proposed Otago Regional Policy Statement 2021 (PORPS-FPI)

**ORAL STATEMENT OF GAVIN MCCULLAGH FOR BP OIL NEW ZEALAND
LIMITED, MOBIL OIL NEW ZEALAND LIMITED & Z ENERGY LIMITED (*THE FUEL
COMPANIES*)**

(Submitter FPI034 and Further Submitter FSFPI034)

Dated 29 August 2023

1. Introduction

My name is Gavin John McCullagh. I am a Principal Planner employed by 4Sight Consulting Limited which is now part of SLR. I am attending today on behalf of the Fuel Companies to assist the Panel on matters within my planning expertise.

2. Scope

My evidence addresses the following provisions which are subject of this hearing stream:

- Policy LF-FW-P7 and LF-FW-P7A
- Policy LF-FW-P15

I understand that evidence is to be taken as read and I will not repeat it, but would be pleased to ask any questions in relation to it.

3. LF-FW-P7 Freshwater and LF-FW-P7A Water allocation and use

I intend today to speak on the matter of inclusion of temporary construction dewatering and discharges in the proposed new policy LF-FW-P7A Water allocation and use. I agree with the change proposed in the S42A report¹ to create a new policy LF-FW-P7A Water Allocation and use *“to provide more direction on allocative and technical efficiency, as well as the benefits of using water”*.

I originally proposed that Policy LF-FW-P7 be amended *“to ensure that the avoidance direction does not lead to prohibited pathways for essential temporary construction dewatering takes necessary to facilitate operation, maintenance, upgrade, and development of infrastructure in over allocated catchments.”*²

As outlined in my evidence, dewatering for construction and maintenance purposes, whether for the activities of the Fuel Companies (e.g. installation of underground fuel tanks) or for other construction activities is a temporary activity. For practical construction reasons, all measures are taken to require as little dewatering as possible and the water pumped from a construction site is typically discharged to the reticulated stormwater network or where circumstances dictate in one of the other ways identified in my evidence.

I agree with the S42A author that the use of ‘avoid’ in LF-FW-P7 is consistent with the NPSFM and that the PORPS-FPI must be consistent. I agree that management of specific activities is a matter for regional plans.

I also note that the proposed policy LF-FW-P7A identifies classes of activities and applies direction to the way those classes of activities are treated. I believe that inclusion of temporary dewatering activities as specified in my evidence is consistent with this approach and is addressed in this way in the Partially Operative Otago Regional Policy Statement 2019, policy 3.1.3 c) iii.

Additionally, I recommended the addition to Clause 2 of LF-FW-P7A the following: *and any associated discharge occurs as close as practicable to the point of abstraction*, in particular to surface waters hydrologically connected to the source of the groundwater.

4. LF-FW-P15 Stormwater discharges

¹ S42A Report, paragraph 1407, p306

² The Fuel Companies, Submission number FP1034.002

I strongly support the recommendation of the S42A author to separate stormwater from other discharges into separate policies. I agree with the inclusion of clause (4) promoting source control of stormwater discharges. I note the s42A author's request for clarification of the reference to industry-led guidelines in this policy.

I believe that the new LF-FW-P15 should include the proposed clause *(5) promoting the use of relevant industry-led guidelines for management of stormwater* as providing the basis for the reference to "industry-led guidelines" in the method LF-VM-M3 community Involvement. I believe this wording is consistent with the wording used in clause 4 and therefore is equally clear in intent and application.

Gavin McCullagh