

1 August 2025

SLR Ref No.: 810.031505.00001

Attention: Jenny Lapham
Dunedin City Council

By email: governance.support@dcc.govt.nz

SLR Project No.: 810.031505.00001

RE: Dunedin 2GP Proposed Plan Change 1 - Hearing
Hearing Statement of the Fuel Companies (Submitter S278)

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**) in relation to their submissions on Plan Change 1 of the Dunedin 2GP partially operative District Plan (**PC1**).
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 respectfully request that this hearing statement be tabled before the Hearings Panel.
3. The Fuel Companies have an interest in PC1 to the extent that it relates to, or impacts on, their sites and activities in Dunedin City, including their service stations, truck stops and bulk fuel storage terminals and associated pipelines supplying petroleum products to these terminals.
4. The analysis and recommendations of the section 42A report has been reviewed in relation to the Fuel Companies' submission and further submission points.
5. As outlined in **Attachment A**, the Fuel Companies accept or support all recommendations on their submission points.
6. Thank you for your time and acknowledgement of the matters raised in the submissions of the Fuel Companies. Please do not hesitate to contact the writer should you wish to clarify any matters addressed herein.

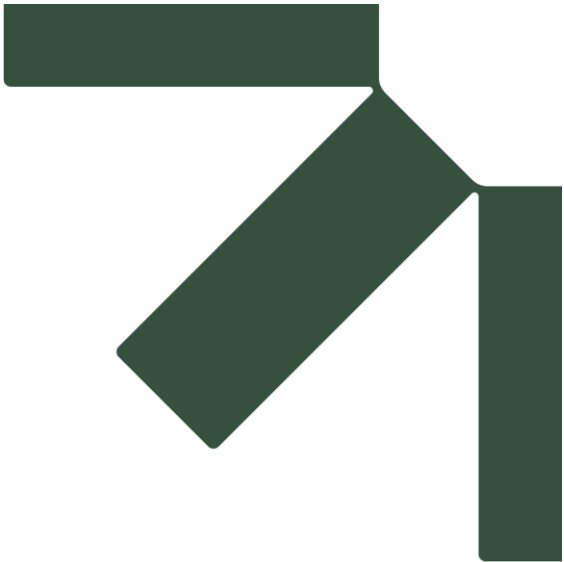
Regards,

SLR Consulting New Zealand Limited



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Attachment Summary of recommendations on the Fuel Companies' submission points



Attachment A Summary of recommendations on the Fuel Companies' submission points

**Dunedin 2GP Proposed Plan Change 1 - Hearing
Hearing Statement of the Fuel Companies (Submitter S278)**

Dunedin City Council

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Summary of recommendations on the Fuel Companies' submissions and further submissions

Provision	Ref #	Submission Reason and Relief Summary (insertions in red and underlined and deletions in red and strikethrough)	Reporting Officer Recommendation (insertions in blue and underlined and deletions in blue and struckthrough)	Fuel Companies' Position
Definition of "Bulk Fuel Storage Facilities Sensitive Activities"	S278.001	Retain definition as notified.	Accept.	Support
Definition of Construction and Site Investigation	S278.002	Amend the definition as follows: <i>Construction and Site Investigation</i> <i>The use or storage of plant, tools, gear, materials or relocatable site offices either on-site or off-site as part of one or more of the following: site investigation (including test piles or boreholes for the purpose of geotechnical, contamination, underground water, or hazard assessments); the erection, installation, repair, maintenance, alteration, dismantling or demolition of any building or structure; or site development. This definition includes all work from site investigation to site restoration, including the driving of piles for building foundations. It also includes any earthworks as part of site investigations provided that the ground is reinstated within 48 hours of the completion of the investigation.</i> <i>This definition does not include any resultant buildings, structures or site development activities (including demolition or removal for relocation), which are separately defined under development activities or citywide activities. It also does not include site investigation provided for under the definitions of mineral exploration and mineral prospecting.</i> <i>Construction and site investigation is an activity in the temporary activities category.</i>	Accept. Amendments set out in the S42A report.	Support
Definition of Earthworks	S287.003	Amend the definition of earthworks as follows: <i>Earthworks</i> <i>The disturbance and alteration of land surfaces by the re-contouring of land and/or the excavation or deposition of materials including clean fill, soil, or rock.</i> <i>This definition excludes:</i> <i>earthworks as part of site investigation, including the driving of piles for building foundations. These activities which are included as part of the definition of construction and site investigation.</i>	Accept. Amendments set out in the section 42A report.	Support
Definition of High Trip Generators	S278.004	Retain definition as notified. The Fuel Companies support amending the definition of high trip generators so that it applies to new or expanded activities exceeding the thresholds, as opposed to any activity generating 250 or more vehicles per day.	Accept in part. Amendments set out in the section 42A report.	Support



Provision	Ref #	Submission Reason and Relief Summary (insertions in red and underlined and deletions in red and strikethrough)	Reporting Officer Recommendation (insertions in blue and underlined and deletions in blue and struckthrough)	Fuel Companies' Position
Rule 4.5.3.4	S278.005 S278.006	Retain Rule 4.5.3.4 as notified. The Fuel Companies support Standard 4.5.3.4, which manage the duration hours of operation in relating to off site activities associated with construction and site investigation.	Accept in part. Amendments set out in the section 42A report.	Support
Rule 4.5.4.1	S278.007	Support Rule 4.5.4.1 with amendments. The Fuel Companies support the intent of the proposed amendments to Rule 4.5.4.1, however as a result of the plan change it is no longer clear what the applicable noise standard is for construction and site investigation activities measured in commercial and mixed-use zones where there are no noise sensitive activities. The Fuel Companies seek amendment to clarify the noise limits.	Reject. The Fuel Companies, supported by Te Whatu Ora, seek clarification of the rules that apply in the commercial and mixed-use zones when there are no noise sensitive activities present. The rule applies whether or not there are noise-sensitive activities in the immediate vicinity of the construction activity. Commercial centres are evolving to become more mixed use. In most development situations in commercial zones there is a reasonable chance that a noise sensitive activity will be located near a construction site, whereas in industrial zones there is a significantly greater chance a noise sensitivity activity will not be present. On that basis, I consider it appropriate to apply the 60 dBA night-time limit as outlined in Rule 4.5.4.1, based on the assumption that a noise sensitive activity will be present. The 60 dBA night-time limit selected aligns with the operational noise limits for the commercial zones specified in the Plan (see rules 18.5.8 and 9.3.6). This approach provides greater certainty and avoids situations where a noise sensitive activity is detected once construction has commenced, necessitating an unexpected consent requirement. There is a small chance that a noise sensitive activity won't be present near a construction site, but the proposed rule design is considered appropriate as is simplifies implementation and administration. It is not considered confusing and does not require amendment.	Support. The Fuel Companies accept that the construction noise and site investigation limits apply in the commercial and mixed use sub-zones listed under Rule 4.5.4.1(a)(iii)(1) "at any building" and do not differentiate between noise sensitive activities or otherwise.
Standard 4.5.4X	S278.011	Retain standard 4.5.4X as notified.	Accept in part. Amendments set out in the section 42A report.	Support
Standard 4.11.2 Construction noise and vibration management	S278.012 S278.013	Retain standard 4.11.2 as notified.	Accept in part. Amendments set out in the section 42A report.	Support
4.9.2.1 Assessment of all discretionary performance standard contraventions	S278.014	Amend standard 4.9.2.1 as follows: <i>4.9.2.1 Assessment of all discretionary performance standard contraventions Performance standard: Relevant objectives and policies (priority considerations):</i>	Reject The Fuel Companies seek to remove references to the safety and efficiency of the transport network in the assessment rules that provide guidance on the assessment of contraventions of noise limits (Rules 4.9.2.1 and 4.10.2.1). These references appear in Policy 4.2.1.1, which is paraphrased within the rules. I note that the discretionary and non-complying activity statuses that apply to rule contraventions provide for a broad assessment, but I agree that exceedance of noise limits in most cases will not have any implications for the	Support The Fuel Companies accept that Policy 4.2.1.1 is aimed at managing both noise and light spill effects which informs consideration of a broader range of matters under the relevant assessment guidance.



Provision	Ref #	Submission Reason and Relief Summary (insertions in <u>red and underlined</u> and deletions in red and strikethrough)	Reporting Officer Recommendation (insertions in <u>blue and underlined</u> and deletions in blue and struckthrough)	Fuel Companies' Position
		X. Objective 4.2.1 Y. The activity is designed and operated to minimise, as far as practicable, adverse effects on: i. the amenity of surrounding properties; ii. people's health and safety; and iii. the safety and efficiency of the transport network (Policy 4.2.1.1). 	safety and efficiency of the transportation network. Consideration of the effects of contravention of the noise standards can be achieved without a direct reference to the safety and efficiency of the transportation network in the assessment guidance provided and I acknowledge that its inclusion within the noise contravention assessment rules appears incongruous. However, due to the structure of the assessment rules, the guidance also applies to contravention of Rule 4.5.8, the Light Spill performance standard, which may affect the safety of the transport network. Therefore, I do not recommend removing reference to effects on transport from the guidance, but trust that common sense will prevail when identifying which parts of Policy 4.2.1.1 are relevant to the assessment of any contravention.	
4.10.2.1 Assessment of all non-complying performance standard contraventions	S278.015	Amend Standard 4.10.2.1 as follows: 4.10.2.1 Assessment of all non-complying performance standard contraventions Performance standard: Relevant objectives and policies (priority considerations): X. Objective 4.2.1 Y. The activity is designed and operated to minimise, as far as practicable, adverse effects on: i. the amenity of surrounding properties; ii. people's health and safety; and iii. the safety and efficiency of the transport network (Policy 4.2.1.1).		
Policy 6.2.2.Y	S278.016	Amend Policy 6.2.2 Y as follows: Policy 6.2.2.Y Only allow <u>Enable</u> high trip generators where the activity is located: a. within convenient walking access of sufficient car parking <u>where car parking is required to serve that particular activity</u> (including any car parking provided on-site) and, where public car parking is relied on, the activity will not significantly impact the availability of that car parking to other nearby activities; and b. within convenient walking access of travel modes other than private car, except where the activity is not suited to access by these modes.	Accept in part. With respect to the amendments requested to Policy 6.2.2.Y (S278.016), I recommend this could be accepted in part. I do not recommend that the policy wording is amended from 'Only allow' to 'Enable' as requested by the submitter. This is because, in accordance with the 2GP Style Guide, the wording 'enable' is generally only used in policies that set up permitted activities. Policies that use 'only allow' are those that set up restricted discretionary activities, as is the case here. Policy 6.2.2.Y is designed to provide guidance on achieving Objective 6.2.2 by ensuring high traffic generators locate near access to sufficient car parking and other modes of transport where suitable to the activity. The submitter also requests that Policy 6.2.2.Y is amended so as not to inadvertently prevent high trip generators that do not require car parking spaces. I agree in principle with the submitter on this matter. However, the wording of Policy 6.2.2.Y.a uses the term 'sufficient car parking' which I believe implies that it is sufficient for the need of the activity in question. If a high trip generator does not require any car parking spaces (for example self-serve service stations or truck stops), then no car parking would be 'sufficient'. However, some further minor amendments to subclause (a) could be	Support



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			incorporated to make it clearer that it is sufficient car parking 'to meet the needs of the activity'. Drafting for this recommended amendment is provided below. <i>Only allow high trip generators where the activity is located:</i> <i>a. within convenient walking access of sufficient car parking (including any car parking provided on-site) to meet the needs of the activity (S278.016) and, where public car parking is relied on, the activity will not significantly impact the availability of that car parking to other nearby activities; and</i> <i>b. within convenient walking access of travel modes other than private car, except where the activity is not suited to access by these modes.</i>	
Rule 6.14.2.1	S278.017	Amend Rule 6.14.2.1 as follows: 6.14.2 Integrated transport assessment <i>1. Council will generally require an Integrated Transport Assessment (ITA) for applications for high trip generators unless the application is for a small expansion of an existing activity, provided the effects on accessibility and on the safety and efficiency of the transport network are likely to be no more than minor similar in character, intensity and scale to the existing activity.</i> 	Reject. Lastly, the submitter requests (S278.017) that the phrase 'no more than minor' in Rule 6.14.2.1 is replaced with 'similar in character, intensity and scale to the existing activity'. In response to this, I firstly note that it is my view that an expansion of an activity will always have some form of additional effects. These effects could be small or large, but there is potential that a small activity (or small expansion of an existing activity) could still generate potentially significant adverse effects. I also highlight that s10(1)(a)(ii) of the Resource Management Act 1991, referred to by the submitter, relates to the effects of an activity, not the size of the activity. Taking these points together, I do not recommend any amendments as a result of this submission point. I consider that the notified phrasing of 'no more than minor' is appropriate, as this wording still provides for a small expansion of an existing activity but requires that the effects are no more than minor.	Support
Appendix 6C High Trip Generators Thresholds	S278.018	Retain Appendix 6C High Trip Generators Thresholds.	Accept in part. Amendments set out in the section 42A report.	Support
Activity status for High Trip Generator Activities in each zone	S278.019	Retain activity status for High Trip Generator Activities as notified.	Accept. Amendments set out in the section 42A report.	Support

