

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:

(please print clearly)

Full Name/s: Dunedin City Council

Postal Address: PO Box 5054, Dunedin

Post Code: 9054

Phone number: Business: 03 477 4000

Private:

Mobile:

Email address: c/o scott.campbell@dcc.govt.nz

I/ we wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Applicant's Name: Mobil Oil New Zealand Limited

And/or Organisation:

Application Number: RM22.099

Location: 199 Fryatt Street, Dunedin

Purpose: Passive discharge of hazardous substances onto or into land in circumstances that may result in those substances entering water.

The specific parts of the application/s that my submission relates to are: *(Give details)*

Please refer to Dunedin City Council submission letter (dated 28 September 2022) attached.

My/Our submission is *(include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views)*.

Please refer to Dunedin City Council submission letter (dated 28 September 2022) attached.

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

Please refer to Dunedin City Council submission letter (dated 28 September 2022) attached.

I/we:

- Wish to be heard in support of our/my submission
- Not wish to be heard in support of our/my submission

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
- No

I, **am/am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.


I, **do/do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I **do/do not** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I **have/have not** served a copy of my submission on the applicant.



Signature/s of submitter/s
(or person authorised to sign on behalf of submitter/s)



(Date)

Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054
or by email to submissions@orc.govt.nz

28 September 2022

Otago Regional Council
Private Bag 1954
Dunedin 9054
submissions@orc.govt.nz

To whom it may concern,

DUNEDIN CITY COUNCIL SUBMISSION ON APPLICATION NUMBER RM22.099

1. This letter accompanies Form 16. It provides the Dunedin City Council's (DCC) submission on consent application RM22.099 by Mobil Oil New Zealand Limited for the passive discharge of hazardous substances onto or into land in circumstances that may result in those substances entering water (Mobil Application).

Summary of DCC's position on the application

2. DCC is concerned with certain aspects of the Mobil Application, namely that:
 - a. Recent monitoring of groundwater wells within the Mobil Offsite Management Area (MOMA) have identified that concentrations of hydrocarbons in groundwater exceed the ANZG¹ 95% guideline values for marine ecosystems;
 - b. There is a risk that the discharge activity will have potential or actual adverse effects on the environment as a result of hydrocarbons leaching into the stormwater network and subsequently discharging into Otago Harbour;
 - c. The mitigation measures proposed to be implemented through conditions of resource consent do not sufficiently manage the risk of potential or actual adverse effects on the environment resulting from the proposed passive discharge activity; and
 - d. The implementation of the proposed Environmental Management Plan (EMP) will have financial implications for DCC that it does not agree to.
3. DCC seeks that the Otago Regional Council (ORC) declines the Mobil Application, or in the alternative, DCC requests the inclusion of new or amended consent conditions (specified at paragraphs 9 and 10 below) before the grant of any consent, as well as further consideration

¹ ANZG 2018. Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

of the financial implications of the proposed EMP prior to determination of the resource consent.

Context for DCC's conditional opposition

4. DCC is the infrastructure owner and road controlling authority for the streets that surround 199 Fryatt Street on four sides: Halsey, Fryatt, Akaroa and Jutland Streets. In addition, DCC is the owner and operator of underground wastewater, stormwater and drinking network infrastructure in these streets.
5. The potential or actual adverse effects of the Mobil Application on DCC infrastructure and activities are significant. In particular:
 - a. DCC is the owner of two concrete stormwater mains in Halsey Street (constructed 1924) that are typical structures for their age. There is a realistic prospect that groundwater could access these stormwater pipes, and then discharge into Otago Harbour. Three of the applicants' groundwater monitoring wells located along the stormwater pipe alignment (BH48, BH59 and BH51) have measured naphthalene, ethylbenzene and xylene at concentrations exceeding ANZG 95% species protection guideline values for marine ecosystems. It is reasonable to assume that this contaminated groundwater is already entering the DCC stormwater network, or at least has the reasonable potential to do so. This may also require an approval under the DCC Stormwater Quality Bylaw 2020, which prohibits persons directly or indirectly discharging contaminants into the DCC stormwater system without DCC approval; and
 - b. The application includes an EMP to be applicable within the MOMA that includes parts of the road reserve of Fryatt and Halsey Streets. The EMP outlines requirements for undertaking works within the area. These requirements will, if approved, apply to DCC and have a significant impact on the way standard road and utility maintenance works can be delivered and, depending on who is responsible for the activities, on the relative cost and efficiency of their delivery.
6. As an affected third party, and in light of the information made available through this application, DCC does not support the proposed EMP in its current form due to the financial implications that will arise.
7. A Closure Report for 199 Fryatt Street and the EMP for the MOMA assessed the likely impacts of the light non-aqueous phase liquid (LNAPL) and dissolved phase petroleum hydrocarbon plume on groundwater (and the surrounding soils) on the MOMA. These reports did not make specific mention of the potential impact of groundwater contamination on DCC underground services or roading assets located within the MOMA.

Relief sought by DCC

8. DCC **opposes** the Mobil Application as notified, and in the alternative, if consent is to be granted, requests the application is either amended, or new conditions are imposed, to mitigate or address the concerns raised by DCC above. The specific conditions or amendments sought by DCC are set out below:

DCC stormwater network

9. DCC requests the Consent Authority imposes a consent condition that requires that the consent holder, within three months of the consent being granted, reline the two stormwater mains in Halsey Street from up-gradient of the contaminated groundwater to the outfall to the coastal marine area, in order to avoid potential effects on the quality of the discharge to the environment from the DCC stormwater network.

The Environmental Management Plan

10. DCC requests:

- a. The Consent Authority imposes a consent condition requiring the EMP relevant to the MOMA be updated to:
 - i. include all parts of Halsey Street the consented discharge may influence (including, for example, the area around groundwater monitoring well BH48).
 - ii. include Mobil New Zealand Limited as Contaminant Discharge Owner at Table 1;
 - iii. specifically describe, in Section 4, road activities, including utility service installation, renewal, realignment and maintenance. and road pavement, kerb and footpath renewal and upgrade; and
 - iv. to clarify that all activities required by the EMP, or otherwise required as a result of the land being contaminated, (and their associated costs) are the responsibility of the Contaminant Discharge Owner; OR
- b. The proposed EMP be updated in collaboration with DCC to address the above matters, in the context of a discussion regarding ongoing responsibility (including financial) for the delivery of the EMP requirements.

Yours faithfully,



Simon Drew
GENERAL MANAGER INFRASTRUCTURE AND DEVELOPMENT