

Statement re the Companies' (BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited) Submission on the Eastern Bays Shared Pathway

I am David William le Marquand, a planning consultant with over 40 years of planning experience. I have prepared a statement summarising the Companies' submission and addressing the potential effects on industry infrastructure from the proposed Shared Pathway works. While this is not expert evidence per se, I can confirm I have read the application, relevant staff reports and prepared this statement in accordance with the Environment Court Code of Conduct for Expert witnesses.

The Companies have bulk fuel storage terminals at Seaview. Petroleum products are delivered to the terminals via the fuel wharf (Seaview Wharf at Point Howard) which is connected to the terminals by existing pipelines. The pipelines extend above ground along the surface of the fuel wharf, then along the foreshore between the Seaview Wharf and the Seaview marina. In this location the pipelines are located on concrete supports sited on the rock face below Marine Drive. The Companies' assets in this area are regionally significant infrastructure as identified in the RPS and Proposed Natural Resources Plan for the Wellington Region.

The Companies' submission supported the Shared Path proposal but raised several concerns. Those concerns arise from the location and associated use of the Companies' regionally significant infrastructure near the Shared Path.

The Companies raised three principal concerns:

- Traffic and safety issues with vehicle access to Port Howard.
- Potential construction conflict issues with Shared Pathway construction and the anticipated works by the Companies and Port Company for maintenance and upgrading of the wharf and pipelines, the need for the Companies to retain 24-hour access to Point Howard and the pipelines¹, and recognition of potential competing interests for lay down areas.
- Any anticipated mitigation/offset works to enhance penguin habitat on the Seaview Marina Groyne area and depending upon methodology for those enhancement works potential risks to the Companies' infrastructure.

Traffic Safety

The potential traffic safety issue at Point Howard was illustrated in Figure 1 of the Companies' submission. A particular concern was raised regarding cyclists travelling from Seaview having limited visibility of any vehicles turning into Point Howard (and vice versa).

The Companies sought there at least be a safety audit undertaken to demonstrate that potential conflicts can be appropriately managed. I note in Mr Wanty's brief of traffic evidence for the applicant (para 39) that he concurs with the matters raised in the submission, states he does not think it necessary to have a formal condition relating to a safety audit but then recommends one in the draft set of conditions. This is reflected in Proposed condition GC 28 which requires a road safety audit be undertaken at the design stage. I support that condition to confirm potential conflicts can be appropriately managed.

¹ Consents WGN020014[35851], WGN190093 [35846], [35847], [35848], [35849], [35850], [35963], [35964], and [35966] and RM180271.

Figure 1



Shared Pathway construction conflict.

The fuel wharf and wharflines are regionally significant infrastructure. Ship deliveries are reasonably regular but actual arrival times cannot be guaranteed because of weather and requirements at other Ports. Once a ship is tied up for delivery the shore crew need to be present. Deliveries are always supervised, and the line must be manually checked/walked along its entire length during deliveries. It is therefore imperative that 24-hour access is maintained to the facilities through the construction of the Shared Path project. This will necessitate discussion with the pipeline operators to ensure appropriate coordination.

The Companies have resource consents to maintain and upgrade the wharfline. These consents are part of the existing environment and must be considered by the applicant, including the need to manage cumulative effects, for instance of both projects occurring simultaneously. In this respect the area around Point Howard provides a flat area that both projects may seek to utilise for laydown activities and therefore there may be potential conflict. Co-ordination of the projects will lead to better outcomes.

There is no recognition in either s42a report of the 24-hour access issue. The GWRC s42a report identifies the request of the Companies for pre-construction consultation but does not carry this through into any recommended condition. The HCC s42a report (page 47) identifies that justification for a consultation condition will be discussed when the Companies speak to its submission.

In my view two conditions are warranted to address consultation and these could be accommodated in the CEMP conditions GC.7 as follows:

(xx) Recognition of the need and necessary measures to ensure 24-hour access is maintained to the Seaview Wharf at Point Howard and the pipelines from the wharf to the Seaview terminals.

(yy) Works in the vicinity of the Seaview Wharf and wharflines will be undertaken in consultation with Z Energy (on behalf of the wharfline operators and as pipeline project manager) to ensure condition xx is satisfied and that the works in the area do not conflict with consented works for the maintenance and upgrade of the wharflines.

Offset Works Seaview Marina Groyne

The application indicated that there may be some offsetting works for penguin habitat undertaken on the Seaview Marina Groyne. While there was little detail on the nature and scale of those works in the application, I understand it was suggested they may involve raising the height of the groyne. The Companies raised concerns related to potential effects and conflicts from any offsetting works proposed in associated with the upgrade of the wharflines and the potential scale of any proposed offsetting works which could in turn require access over the existing pipelines.

Appendix C of the GWRC s42a report (Record of meeting to discuss effects on penguins and shorebirds) states that establishing penguin habitat on the Seaview breakwater is not recommended. On the basis that mitigation is not proceeding there is no need for any co-ordination of offsetting works or need for conditions for work over the pipelines.

David le Marquand

14th December 2020.