



**SUBMISSION ON TIMARU DISTRICT COUNCIL'S PROPOSED DISTRICT PLAN PURSUANT TO
CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Timaru District Council
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A. INTRODUCTION

bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) receive, store and distribute refined petroleum products around New Zealand. In the Timaru District (*the district*), the Fuel Companies' core business relates to retail fuel outlets, including service stations and truck stops, and the two Z Energy bulk fuel storage facilities at Timaru Port.

Timaru District Council (*TDC or Council*) notified its Proposed District Plan (*PDP*) on 22nd September 2022. The Council had previously invited the public to provide input on the Draft District Plan (*the draft plan*) in 2020. The Fuel Companies provided comments to Council on the draft plan in December 2020.

The provisions of the PDP affecting the Fuel Companies' bulk fuel storage facilities (*the terminals*) are of particular focus in these comments. The Terminals are located in the Port Zone and are subject to the coastal environment area overlay. This area is also subject to the following hazards and risks overlays:

- coastal high hazard (inundation) area,
- flood depression areas,
- liquefaction areas, and
- overland flow paths.

Many of the Fuel Companies' retail service stations and truck stops are also subject to hazard and risk overlays, including the coastal high hazard overlay as well as other overlays such as drinking water protection and historical and cultural overlays.

This submission relates to the following chapters of the PDP:

- Definitions
- Strategic Direction
- Energy and Infrastructure
- Stormwater Management
- Transport
- Hazardous Substances
- Contaminated Land
- Natural Hazards
- Coastal Environment
- Earthworks
- Zone Chapters (Port Zone, Mixed Use Zone, Town Centre Zone and the Neighbourhood Centre Zone)

B. THE SPECIFIC PROVISIONS OF THE PDP THAT THE FUEL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS

The specific provisions submitted on, the rationale for the Fuel Companies' submission on each of these matters, and the relief sought is contained in the schedules below. Specific changes sought to the provisions are highlighted yellow with deletions in ~~single strikethrough~~ and additions in single underline. The Fuel Companies support alternative relief that achieves the same outcome(s).

In addition to the specific outcomes and relief sought, the following general relief is sought:

- a) Achieve the following:
 - i. The purpose and principles of the Resource Management Act 1991 (*RMA*) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - ii. Give effect to the Canterbury Regional Policy Statement;
 - iii. Assist the Council to carry out its functions under Section 31 RMA;

- iv. Meet the requirements of the statutory tests in section 32 RMA; and
- v. Avoid, remedy or mitigate any relevant and identified environmental effects;
- b) Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the proposed plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and
- c) Any other relief required to give effect to the issues raised in this submission.

C. THE FUEL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION.

D. IF OTHERS MAKE SIMILAR SUBMISSIONS THE FUEL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING.

E. THE FUEL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. THE FUEL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT –

- I. ADVERSELY AFFECTS THE ENVIRONMENT; AND**
- II. DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Signed on behalf of Z Energy Limited, bp Oil New Zealand Limited and Mobil Oil New Zealand Limited



Sarah Westoby
Principal Planner

15 December 2022

SCHEDULE A – Overview

A. DEFINITIONS

1. The Fuel Companies are generally supportive of the majority of definitions in the PDP with comments and relief sought in Schedule B, Table 1 below.

B. STRATEGIC DIRECTION

2. This section sets out the overarching directions for the sustainable management of growth, land use and development of the District. The Fuel Companies support the chapter and in particular direction which addresses the effects of climate change, seeks to manage of the risks of natural hazards and recognises the Port of Timaru as 'Regionally Significant Infrastructure'.

C. ENERGY AND INFRASTRUCTURE

3. The Infrastructure and Energy Chapter contains district-wide provisions that cover Regionally Significant Infrastructure and other infrastructure and is generally supported.

D. STORMWATER MANAGEMENT

4. The Fuel Companies support the overall intent of the Stormwater Management chapter. It's rules only trigger consent for increases in impervious coverage. It is understood that this applies to new impervious areas only, rather than replacement of existing (for instance if existing hardstanding is replaced or resealed).
5. Upon review of the suite of proposed rules, if a resource consent is obtained from the regional council for a stormwater discharge, the Fuel Companies assume that this should then narrow the focus and interest of TDC's acceptance of the stormwater discharge to the network to matters of carrying capacity and quantity.

E. TRANSPORT

6. The Fuel Companies support the strategic direction of the PDP in the Strategic Direction Chapter as well as the Energy, Infrastructure and Transport Chapters that seeks, broadly, resilience to the effects of climate change and supports reduction in greenhouse gas emissions. The Fuel Companies consider the uptake of electric vehicles (EV) will be important to help achieve the Council's greenhouse gas reduction and climate change goals (Refer Objective SD-O3).

F. HAZARDOUS SUBSTANCES

7. The Fuel Companies support the definition of Major Hazard Facility (MHF) in the PDP (which is a facility or activity that has been designated by Worksafe as a lower tier major hazard facility or an upper tier major hazard facility under the Health and Safety at Work (Major Hazardous Facilities) Regulations 2016) (MHF Regulations)) and recognise that land use planning can be important for these facilities, which may generate off site risk. Public information about MHF is provided on WorkSafe's website. WorkSafe's records indicate four MHF exist within the district, including three bulk fuel storage terminals. These Terminals have been identified in Schedule B - MHF of the PDP as follows:
 - MHF-2: Timaru Oil Services Limited (TOSL), Fraser Street, Timaru Port, Timaru;
 - MHF-3: Z Energy Timaru Port (Lot 1 DP 506333); and
 - MHF-4: Z Energy Timaru Port (Lot 30 DP 23140).

G. CONTAMINATED LAND

8. The Contaminated Land chapter provides objectives and policies against which resource consent applications under the NESCS will be assessed. The Fuel Companies support the focus on human health as relevant to the NESCS.
9. In terms of rules, the Fuel Companies consider that the NESCS provides appropriate land use controls for both land disturbance activities and changes of use in relation to contaminated soils. As such, given there are no rules in this chapter, this approach is supported by the Fuel Companies.

H. NATURAL HAZARDS

10. The Natural Hazards chapter contains policy direction to address the management of risk from non-coastal natural hazards throughout the District. Natural hazards that are solely coastal hazards are addressed within the Coastal Environment Chapter.
11. A good number of the Fuel Companies' service stations and truck stops in Timaru are located in the following natural hazard areas:
 - Flood Assessment Area,
 - Liquefaction Area.
12. Furthermore, the Port of Timaru, which contains the MHF, is affected by the following hazard areas / overlays:
 - Liquefaction Areas,
 - Flood Assessment Areas.

Mapping of Flood Assessment Areas

13. It is understood that the Flood Assessment Areas have been mapped at a high level and the council has not undertaken detailed modelling to identify the extent of flood risk over the district. The Section 32, in its explanation of why 'option 1' was the preferred option, it states:

At this point in time there is insufficient certainty to identify the site-specific level of risk throughout the flood assessment area. Therefore, areas at potential risk from flooding are generally identified and site-specific assessments are required through a certification approach to determine appropriate management through rules.

The Fuel Companies are not opposed to this approach subject to clarification.

G. COASTAL ENVIRONMENT

14. Natural hazards that are solely coastal hazards are addressed within the Coastal Environment Chapter.
15. The MHF at the Port of Timaru are located in the Sea Water Inundation Overlay - Coastal High Hazard (inundation) Area. A number of Fuel Company service stations and truck stop sites are also located in the Sea Water Inundation Overlay - Coastal High Hazard (inundation) Area as well as in the Coastal High Hazard (erosion) Area. The entire Port area (i.e.: all land that is in the Port Zone) is outside the mapped Coastal High Natural Character Area.
16. The introduction to the Coastal Environment chapter includes an acknowledgment that historic and passive activities such as non-intensive primary production, recreational walking and biking are able to continue as are existing urban zoned activities such as industrial activities, infrastructure and the Port of Timaru. Recognising the need for existing industrial uses and the Port of Timaru to be able to continue within the Coastal Environment is important and should be reflected in the Chapter's provisions.

H. EARTHWORKS

17. The Fuel Companies support the overall approach to the Earthworks Chapter which contains a single rule (EW-S1) which permits all earthworks in all zones subject to five performance standards as relevant.

I. PORT ZONING

18. The Fuel Companies' MHF are located at the Port of Timaru within the proposed Port Zone. The Port Zone permits Port Activities as defined (Refer to Table 1 below for definitions) and also enables emergency service facilities and industrial activities. Resource consent is otherwise required for any other activity, including residential activities which are either a discretionary activity (DA) (if the residential activity is ancillary to a Port Activity or an industrial activity) or non-complying. In other words, any sensitive activity (as is defined in the PDP) in the Port Zone requires a DA or Non-Complying activity resource consent.
19. On this basis, the Port Zone provisions will provide the key mechanism for managing risks from existing MHF, including avoiding reverse sensitivity effects associated with sensitive activities. The geographic extent and Port Zone provisions are therefore supported.

J. MIXED USE, NEIGHBOURHOOD CENTRE AND TOWN CENTRE ZONES

20. The potential for reverse sensitivity effects, and associated issues, can be influenced by the intensity and nature of adjoining activities. The Fuel Companies support recognition that sensitive activities, in particular residential activities, in commercial and mixed use zones have the potential to create reverse sensitivity effects on existing non-residential activities.
21. The Fuel Companies submission points as they relate to each of these chapters / topics in the PDP, and corresponding relief sought, is contained in Schedule B, Table 1 below.



SCHEDULE B

Table 1: Fuel Companies submission and relief to the Timaru PDP

Plan Provision	Position	Reason	Relief Sought
Definitions			
Hazardous Facility	Support	The definition of Hazardous Facility , with a number of listed exceptions, includes a facility or activity that involves the use, storage or disposal of any <u>hazardous substance</u> . The Fuel Companies retail service station and truck stop sites would be considered Hazard Facilities. This definition is supported.	Retain the definition of Hazardous Facility as notified.
Land Disturbance	Support	<p>Land disturbance means:</p> <p><i>the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land.</i></p> <p>The Fuel Companies support the definition of land disturbance, which is separate from 'earthworks', assuming it is addressed differently than / separate of earthworks in some circumstances throughout the PDP, for example in flooding areas where temporary land disturbance that doesn't permanently alter the original ground levels does not have a permanent effect or impact with respect to flood hazards.</p>	Retain the definition of Land Disturbance as notified.
Lifeline Utilities	Support	The Fuel Companies support the definition of lifeline utilities which includes the Port	Retain the definition of Lifeline Utilities as notified.

Plan Provision	Position	Reason	Relief Sought
		Company (as defined in section 2(1) of the Port Companies Act 1988).	
Maintenance	Support	Maintenance means (1) ... (2) <i>In relation to an object (such as a structure, building or infrastructure) means the work required to keep the object in good condition or operation but it does not include any upgrading or expansion or replacement of the existing object.</i> The Fuel Companies support this definition.	Retain the definition of Maintenance as notified.
Major Hazard Facility (MHF)	Support	Major Hazard Facility means <i>a facility or activity that has been designated by Worksafe as a lower tier major hazard facility or an upper tier major hazard facility under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.</i> The Fuel Companies support the definition and the removal of the previously drafted definition of Significant Hazard Facility (SHF).	Retain the definition of MHF as notified.
Natural Hazard Sensitive Activity	Support	The definition of Natural Hazard Sensitive Activity is supported in that it relates to habitable buildings principally, and because it excludes Regionally Significant Infrastructure (RSI).	Retain the definition of Natural Hazard Sensitive Activity as notified.
Regionally Significant Infrastructure (RSI)	Support	Fuel Companies support the definition of Regionally Significant Infrastructure in particular the inclusion of the Port of Timaru and bulk fuel supply infrastructure in this definition.	Retain the definition of RSI as notified.
Repair	Support	Repair means to [sic] <i>mending or fixing something that is decayed or damaged. It includes temporarily securing the object such as making a structure safe or weathertight. It does not include upgrading or replacement.</i> This definition is supported.	Retain the definition of Repair as notified.

Plan Provision	Position	Reason	Relief Sought
Reverse Sensitivity	Support	Reverse Sensitivity means <i>the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity.</i> The Fuel Companies support the proposed definition of Reverse Sensitivity. It appropriately acknowledges that it is not only new more sensitive activities that can create reverse sensitivity effects but alterations to existing sensitive activities also.	Retain the definition of Sensitive Environment as notified.
Sensitive Activity	Support with clarification	Sensitive Activity means: (1) <u>Residential activities</u> ; (2) <u>Education facilities and preschools</u> ; (3) <u>Guest & visitor accommodation</u> ; (4) <u>Health care facilities</u> which include accommodation for overnight care; (5) <u>Hospitals</u> ; (6) <u>Marae (building only)</u> ; or (7) <u>Place of assembly</u> , except that: (a) subclause f. above is not applicable in relation to <u>electronic transmission</u> and (b) subclause g. above is not applicable in relation to <u>noise</u> or <u>electronic transmission</u> . The definition is supported subject to clarification of the cross references contained within.	Amend the definition of Sensitive Activity so that the cross references refer to the necessary numbers rather than letters.
Sensitive Environment	Support	The definition of Sensitive Environment includes a number of overlays identified on the Planning Maps, for instance the Coastal Environment, Seawater Inundation Overlays, Heritage Items and Earthquake Fault Awareness Areas. The appropriateness of the definition throughout the PDP will very much depend on how it is used and applied throughout the provisions. For instance, restricting any hazardous facility in all overlays / areas listed	Retain the definition of Sensitive Environment as notified.

Plan Provision	Position	Reason	Relief Sought
		here is, without a robust s32 analysis, potentially onerous. Further discussion on this matter is contained in the Hazardous Substances sections below.	
Service Station	Support subject to clarification	<p><i>means any site primarily used for the retail sale of motor vehicle fuels, including petrol, LPG, CNG and diesel and may include any one or more of the following activities, where they are ancillary to the retail sale of fuels:</i></p> <ul style="list-style-type: none"> • <i>Sale or hire of kerosene, alcohol-based fuels, lubricating oils, tyres, batteries, vehicle spare parts, trailers and other accessories normally associated with motor vehicles;</i> • <i>Truck stops;</i> • <i>Trailer hire;</i> • <i>The ancillary sale of other goods for the convenience and comfort of service station customers;</i> <p><i>but shall not include any industrial activity.</i></p> <p><i>Note: This definition is a subset of retail activity.</i></p> <p>The definition of Service Station, which includes truck stops, is supported by the Fuel Companies. However, clarity is sought regarding the note in the definition which states that “this definition is a subset of retail activity”. The</p>	<p>Clarify whether Service Stations are Retail Activities, and if not, confirm that if not specifically provided in provisions throughout the PDP, Service Stations are otherwise Commercial Activities².</p> <p>Amend the Note in the Definition as follows:</p> <p><i>Note: This definition is a subset of retail commercial activity.</i></p>

² means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices). (as per the National Planning Standards).

Plan Provision	Position	Reason	Relief Sought
		definition of Retail Activity ¹ specifically excludes 'Service Station's. On this basis the Fuel Companies assume that the definition should be amended to advise that service stations are a subset of commercial activities and not retail activities.	
Unacceptable Risk	Neutral	<p>The proposed definition of Unacceptable Risk is: <i>In relation to major hazard facilities, means exposure of sensitive activities (including residential dwelling) to an individual fatality risk level exceeding 1 x 10-6 per year (one in a million).</i></p> <p>The appropriateness or otherwise of defining 'unacceptable risk' in the PDP will similarly depend on how it is used in the provisions. If applied solely in the context of managing the relationship between MHF and sensitive activities (as is the assumed intention of the wording in the definition), there is potential for the definition and outcomes sought, to be appropriate. However, if used or applied throughout in a general sense, there is potential to overlook the nuances of the risk assessment framework and inappropriately restrict or enable other types of activities in the vicinity of an MHF. Submission points to the Hazardous Substances Chapter below discuss this matter further.</p> <p>The Fuel Companies assume the NSW HIPAP4 has informed the definition given the inclusion</p>	<p>Amend the definition of Unacceptable Risk as follows:</p> <p><i>"Unacceptable Risk [in relation to Hazardous Substances] In relation to major hazard facilities, means exposure of sensitive activities (including residential dwelling) to an individual fatality risk level exceeding 1 x 10-6 per year (one in a million)."</i></p>

¹ Retail Activity means any activity that involves the display or offer for sale or hire to the public of goods, merchandise or equipment and any ancillary work rooms. It includes general retail, large format retail, and trade and yard based retail, but excludes service stations.

Plan Provision	Position	Reason	Relief Sought
		<p>of the 1 x 10⁻⁶ individual fatality threshold. This is not clear in the section 32, rather a reference to the Proposed New Plymouth District Plan's use of this risk threshold, where, within that risk area, new sensitive activities (only) should be avoided. That approach is generally supported. However, the necessity of both the proposed definition and its use throughout the Hazardous Substances Chapter provisions, in particular the rules, is questionable, at least in the context of existing MHF in the district, noting that all four existing MHF in the district (three of which are bulk fuel storage facilities) are located within the Port Zone and any sensitive activities in their vicinity would require a minimum, DA resource consent under the Zone chapter. Relevant to that assessment would be the objectives and policies of the Hazardous Substances chapter.</p>	
Upgrading / Upgrade	Support in part	<p>Upgrading / Upgrade means: <i>the replacement, renewal or improvement of infrastructure that results in an increase in carrying capacity, but excludes repair and maintenance.</i> The Fuel Companies support the definition of Upgrading / Upgrade in part however consider that it could use some additional thought and analysis of its practical application (especially when considered in the context of associated permitted activity rules, for instance, such as the Repair and Upgrading of MHF being a PA under Rule HS-P2).</p> <p>The Fuel Companies regularly undertake 'upgrade' works to infrastructure that may not increase carrying capacity and which would not</p>	<p>Amend the definition of Upgrading / Upgrade as follows:</p> <p><i>"the replacement, renewal or improvement of infrastructure that may results in an increase in carrying capacity, but excludes repair and maintenance."</i></p>

Plan Provision	Position	Reason	Relief Sought
		<p>necessarily fall to be considered Repair or Maintenance as defined in the PDP either. For example, the upgrading by replacement of an existing underground pipeline for the purposes of improved safety, energy efficiency or a new technology.</p> <p>As such, it is recommended the definition is amended to better reflect all relevant activities that don't otherwise fall to be Repair and/or Maintenance as defined.</p>	
Strategic Direction			
Objective SD-O2	Support	The Fuel Companies support Strategic Direction Objective SD-O2 Climate Change which seeks that the effects of climate change are recognised and an integrated management approach is adopted. The broad overall direction is supported as it sets the scene for the management of climate change effects and the management of natural hazards, adaptation and efficient urban form throughout the PDP.	Retain Objective SD-O2 as notified.
Objective SD-O4	Support in part	<p>Objective SD-O4 (Natural Hazards) is supported in principle by the Fuel Companies in that it recognises that if risks to people, property and infrastructure are unacceptable, development should be avoided, and otherwise, risks should be appropriately managed.</p> <p>The PDP introduces a definition of <i>unacceptable risk</i> which relates solely to MHF and where exposure of sensitive activities to an individual fatality risk level exceeds 1 in a million. This does not relate to natural hazards. As such, use of the terms 'unacceptable' and 'risk' in clause ii of this strategic-level policy that relates to</p>	<p>Amend Objective SD-O4 as follows:</p> <p><i>Natural hazards risks are addressed so that:</i></p> <ol style="list-style-type: none"> i. <i>areas subject to natural hazards and risk are identified;</i> ii. <i>development is avoided does not increase in areas where the risks of social, environmental and economic harm natural hazards are assessed as being unacceptable; and</i> iii. <i>for other areas, natural hazards risks are appropriately mitigated.</i>

Plan Provision	Position	Reason	Relief Sought
		natural hazards is potentially confusing to the Plan user and amendments are suggested accordingly.	
Objective SD-O8	Support	<p>As addressed above, the Fuel Companies support the inclusion of the Port of Timaru and bulk fuel supply infrastructure including terminals, wharf lines and pipelines, in the definition of Regionally Significant Infrastructure (RSI).</p> <p>The strategic direction of Objective O8 to recognise the benefits of RSI and enable its safe, efficient, and effective operation, maintenance, renewal and upgrading while managing adverse effects appropriately is supported (Objective SD-O8 (iv)).</p>	Retain Objective SD-O8 as notified.
Energy and Infrastructure			
Objective EI-01	Support	Objective EI-01 (regionally significant infrastructure) is supported as it acknowledges that RSI provides, inter alia, essential and secure services, facilitates connectivity including at the local, regional, national or international level and contributes to the economy.	Retain Objective EI-01 as notified.
Objective EI-02	Support	Objective EI-02 (adverse effects of regionally significant infrastructure) provides that the adverse effects of RSI and Lifeline Utilities are avoided in sensitive environments unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated. This outcome is supported because existing RSI such as Terminal activities at the Port are located in the Coastal Environment (which is defined as a Sensitive Environment in the PDP), but has a functional need to be located there.	Retain Objective EI-02 as notified.

Plan Provision	Position	Reason	Relief Sought
Objective EI-04	Support	Objective EI-04 which seeks that the efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and Lifeline Utilities are not constrained or compromised by the adverse effects of subdivision, use and development, including reverse sensitivity effects. The Fuel Companies support this intent to protect RSI from reverse sensitivity effects acknowledging that the objective does not restrict the intended protection to only new activities rather, reads broadly and should therefore include other activities that may cause reverse sensitivity effects such as intensification of existing activities.	Retain Objective EI-04 as notified.
Policy EI-P1 Policy EI-P2	Support Support	<p>Policy EI-P1 is supported in that it recognises the benefits of RSI by, inter alia, enabling their ongoing operation, maintenance, repair, upgrade and development of existing RSI.</p> <p>Policy EI-P2 seeks to provide for RSI and other infrastructure while managing adverse effects including by:</p> <p><i>(a) seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and</i></p>	Retain Policies EI-P1 and P2 as notified.

Plan Provision	Position	Reason	Relief Sought
		<p><i>archaeological areas, riparian margins and notable trees; and</i></p> <p>EI-P2 is supported as it acknowledges that it is the <i>values</i> of those specified environments / areas / overlays on which adverse effects from RSI should be avoided, rather than a blanket avoid approach altogether.</p>	
Policy EI-P3	Support with amendment	The Fuel Companies support the intent of Policy EI-P3 for the same reasons as Objective EI-04 and seek an amendment to the Policy so that all activities that can cause reverse sensitivity effects on RSI and Lifeline Utilities are similarly appropriately located, designed and managed.	<p>Amend Policy EI-P3(1) as follows:</p> <p><i>Ensure new or modified incompatible activities are appropriately located or designed so they do not compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant Infrastructure and lifeline utilities; and...</i></p>
Rule EI-R1 Rule EI-R2 Rule EI-R3 Rule EI-R4	Support	<p>Rules EI-R1 - R4 are supported in principle as they permit, generally, and subject to standards, the maintenance, repair or removal of infrastructure, the upgrading of underground infrastructure, new underground infrastructure and the upgrading of above ground network utilities.</p> <p>However it is unclear why new underground infrastructure is a permitted activity and is not subject to any standard (Rule EI-R3) whereas Rule EI-R2 permits upgrading underground infrastructure (i.e.: where it already is existing) but which is subject to Standard S2 which provides a number of restrictions to such replacement (discussed below separately).</p>	Retain Rules EI-R1 - R4 as notified
Standard EI-S1	Support	Standard EI-S1 relates to maximum structure height for network utility structures of poles, antenna, towers and telecommunications poles	Retain Standard EI-S1 as notified.

Plan Provision	Position	Reason	Relief Sought
		and allows such structures to be 5m above the PA height of the applicable zone. The standard is appropriate in the context of each zone and the Fuel Companies support this standard.	
Standard EI-S2	Support	<p>PA Standard EI-S2(1) requires:</p> <p><i>the realignment, relocation or replacement of a line, pipe (excluding a liquid petroleum pipeline), telecommunication pole, pole, tower, conductor, switch, transformer or ancillary structure within 5m of the existing alignment or location.</i></p> <p>The standard excludes petroleum pipelines. On the basis that the exclusion simply means that the standard is not applicable to petroleum pipelines, the standard is supported.</p> <p>The reason for the “within 5m” restriction, is also unclear, in particular where the infrastructure may be wholly underground. The s32 report does not provide specific justification for these provisions.</p>	Retain Standard EI-S2(1).
Stormwater Management			
General	Support	<p>The Fuel Companies support the introduction and the intent to provide clarity regarding the interaction of these provisions with regional rules and Council’s reticulated stormwater network.</p> <p>Where sanctioned by regional resource consent, The Fuel Companies seek to clarify that Council’s input will be under the bylaw and specific to the capacity of the network.</p>	Retain the introduction as notified.
Policy SW-P1	Support	SW-P1 states:	Retain Policy SW-P1 as notified.

Plan Provision	Position	Reason	Relief Sought
		<p><i>Require subdivision, use and development to achieve stormwater neutrality or improvements in areas where there is a Council reticulated stormwater network, so that the reticulated stormwater network does not function beyond its capacity and cause or exacerbate flooding.</i></p> <p>The Fuel Companies support this policy which seeks to manage stormwater quantities to manage the capacity of the network and flooding effects.</p>	
Policy SW-P2	Support in part	<p>Policy SW-P2 seeks to maintain and enhance stormwater quality by requiring the treatment of stormwater for new or increased impervious surfaces created by subdivision, use or development.</p> <p>The overall principle of the proposed policy is supported in that it explicitly relates to new or increased impervious areas, however the degree of maintenance or, in particular, enhancement of stormwater quality, including point of compliance to meet the policy, is questioned and the requirement for treatment may not be necessary in all circumstances, especially where the network already has capacity and the proposed increase of impervious surfaces is nominal.</p>	<p>Amend Policy SW-P2 as follows:</p> <p><i>Maintain and enhance stormwater quality by requiring:</i></p> <ol style="list-style-type: none"> <i>1. restrictions on specified cladding materials that contribute to stormwater contamination; and</i> <i>2. consider the need for the treatment of stormwater quality for new or increased impervious surfaces created by subdivision, use or development.</i>
Policy SW-P3	Support	<p>SW-P3 states:</p> <p><i>Require all subdivision, use and development to connect to the Council's reticulated stormwater network within reticulated infrastructure boundaries, to:</i></p>	<p>Retain Policy SW-P3 as notified.</p>

Plan Provision	Position	Reason	Relief Sought
		<p>1. ensure that stormwater does not create increased flood risk on other properties; and</p> <p>2. manage stormwater quality impacts through an integrated management approach.</p> <p>This policy is supported as it provides a measure approach to the management of stormwater, ensuring that flood risks are not increased and an integrated management approach is adopted.</p>	
Rule SW-R3	Support in Part	<p>Rule R3 relates to <i>Non-residential activities that include impervious surfaces of 500m² or greater for carparking, excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan.</i></p> <p>The Fuel Companies assume that this rule relates to new car parks as opposed to alterations to existing or redevelopment of existing car parking / impervious areas (for example redevelopment of an existing lawfully established car park measuring greater than 500m²). If this assumption is correct, the provision is supported.</p> <p>If not, management of stormwater from higher contaminant generating car parking areas would be better reflected by a car parking number threshold. For example, it is unclear how manoeuvring areas would fit into this rule along with ancillary impervious areas such as pedestrian routes within a car parking area.</p>	<p>Confirm that the rule relates to new car parking areas and not redevelopment or enlargement (by less than the 500m² threshold) of existing car parks.</p> <p>OR otherwise</p> <p>Amend Rule SW-R3 so that the threshold for applicability of the rule is based on the number of car parks.</p>

Plan Provision	Position	Reason	Relief Sought
		In the Fuel Companies' experience quantifying car park numbers for such a rule (such as in chapter E9 of the AUP:OP), works well and is clear in terms of what is included and what is not included.	
Rule SW-R4 Matters of Discretion	Support in Part	<p>Rule SW-R4 permits all developments, other than a road, in the General Industrial Zone and the Port Zone (and others), that result in an increase in impervious surfaces of greater than 30m², excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.</p> <p>If a resource consent is obtained from the regional council for a stormwater discharge the Fuel Companies assume that this should then narrow the focus and interest of TDC's acceptance of the stormwater discharge to the network to matters of carrying capacity and quantity. In particular, that the requirements of this rule (specifically SW-S4) are not considered (or relevant) in the network operator's consideration of the SWD approval application to council.</p> <p>If the stormwater discharge is a permitted activity in the relevant regional plan, it is assumed that Rule SW-R4 is applicable.</p> <p>The Rule is subject to two conditions as follows:</p> <ul style="list-style-type: none"> • <i>PER-1: All stormwater is captured and directed to the Council's reticulated stormwater</i> 	<p>Retain Rule SW-R4 as notified subject to clarification that the Fuel Companies assumption is correct.</p> <p>And Amend the Matters of Discretion as follows:</p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> 1. <i>the extent to which the design, location, capacity, type and construction of the stormwater neutrality device or other system proposed is sized, to ensure stormwater neutrality is achieved; and</i> 2. <i>the extent of any potential flood risk from additional stormwater exceeding the capacity of the Council's reticulated stormwater network; and</i> 3. <i>the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and</i> 4. <i>the adverse effects of stormwater on a neighbouring property, waterway or road; and</i>

Plan Provision	Position	Reason	Relief Sought
		<p><i>network and does not flow onto neighbouring properties; and</i></p> <ul style="list-style-type: none"> <i>PER-2: Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S3 and SW-S4 that allows entry of the stormwater into the reticulated stormwater network.</i> <p>Condition PER-1 is supported.</p> <p>Regarding PER-2, the Fuel Companies have experienced instances where network operators have not been accepting of discharges of stormwater from industrial or trade premises to the reticulated stormwater network despite them being in accordance with good practice and permitted under the relevant regional plan. The Fuel Companies seek to ensure that the role of industry good practice is recognised (in the case of the Fuel Companies that is provided by the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in NZ (MFE, 1998)).</p> <p>The Fuel Companies consider that an amendment is required to the matters of discretion so as to better enable an effects based assessment.</p>	<p>5. <i>the effects of any additional contaminants entering the Council's reticulated stormwater network; and</i></p> <p>6. <i>any relevant site or operational constraints.</i></p>
<p>Rule SW-R5</p> <p>Matters of Discretion</p>	<p>Support in part</p>	<p>As above</p> <p>The Fuel Companies consider that an amendment is required to the matters of</p>	<p>Retain Rule SW-R5 as notified subject to clarification that the Fuel Companies assumption as per the comment against SW-R4 is correct.</p>

Plan Provision	Position	Reason	Relief Sought
		discretion so as to better enable an effects based assessment.	<p>And Amend the associated Matters of Discretion as follows:</p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> 1. <i>the extent to which the design, location, capacity, type and construction of the stormwater neutrality device or other system proposed is sized, to ensure stormwater neutrality is achieved; and</i> 2. <i>the extent of any potential flood risk from additional stormwater exceeding the capacity of the Council's reticulated stormwater network; and</i> 3. <i>the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and</i> 4. <i>the adverse effects of stormwater on a neighbouring property, waterway or road; and</i> 5. <i>the effects of any additional contaminants entering the Council's reticulated stormwater network; and</i> 6. <i>any relevant site or operational constraints.</i>
Standard SW-S4	Oppose	The required percentage reductions of contaminants in Standard SW-R4 will not be	Delete Standard SW-S4 and provide an appropriate risk-based standard that requires

Plan Provision	Position	Reason	Relief Sought
		achievable where stormwater is low in particular contaminants to begin with. For instance, how would a discharger reduce trace levels of zinc by more than 70% and what would be the effect to justify that level of treatment? In terms of industry activities, the Fuel Companies would support an approach that recognised the MfE Guidelines ³ as good practice and required compliance with the same for discharges to reticulated networks from petroleum industry sites.	treatment where appropriate to manage particular contaminants of concern.
Transport			
Objective TRAN-O1	Support	Objective TRAN-O1 is supported as it broadly promotes resilience to the effects of climate change and a reduction in greenhouse gas emissions through clauses 1 and 2.	Retain Objective TRAN-O1 as notified
New Policy	Neutral	<p>The suite of proposed Transport policies does not clearly relate to the Chapter's clear intent (through proposed permitted Rule TRAN-R9) to encourage or enable EV charging facilities in all zones.</p> <p>The Fuel Companies anticipate the use of electric vehicles (EVs) will be important to help achieve the Council's greenhouse gas reduction and climate change goals (Refer Objective SD-O3).</p> <p>A new policy that encourages the provision of charging stations for electric vehicles is required.</p>	<p>Include a new Policy as follows:</p> <p><i>Encourage existing and new land uses to support an integrated and sustainable transport network by:</i></p> <p><i>a. Enabling charging stations for electric vehicles.</i></p>
TRAN-R9	Support with amendment	The Fuel Companies support permitting new or replacement charging facilities for electric vehicles in all zones.	Retain Rule TRAN-R9 as notified with an amendment as follows.

³ Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand, Ministry for the Environment, 1998

Plan Provision	Position	Reason	Relief Sought
		<p>It is unclear whether this rule overrides other rules in the zone chapters. For example, the Road Setback standards in the residential zones. It is not necessary to require such infrastructure to comply with underlying zone standards such as yard setbacks etc. An amendment is sought accordingly.</p>	<p>Note: any activity under TRAN-R9 does not have to comply with underlying zone rules/standards.</p>
TRAN-S20 – High Trip Generating Activities	Support in Part	<p>As it reads, if the thresholds in TRAN-S20 are met or exceeded, an RDA resource consent is required that needs an Integrated Transport Assessment (ITA) to support the application.</p> <p>Under Table 21 in the Standard, a basic ITA is required for service stations with 2 (or more) filling points and a full ITA is required for a service station with 6 filling points or greater.</p> <p>The Fuel Companies support the standard in part, however, seek clarification that the thresholds (and therefore the standard) need only be considered/applicable where new or expanded existing activities are proposed. I.e.: that the standard only relates to new service stations, or to existing activities that are expanded by the thresholds in the table.</p> <p>The Fuel Companies seek to ensure that the standard is not triggered by, for example, the installation of 1 x additional fuel dispenser, a diesel emission fluid tank, existing site upgrades or redevelopment of the same character and intensity. Furthermore, and in particular given the PA status of installation of EVs (Rule R9 above), the Fuel Companies seek to ensure that</p>	<p>Amend Table 21 in Standard TRAN-S20 as follows:</p> <p>New <i>Service Stations</i> - ...</p>

Plan Provision	Position	Reason	Relief Sought
		such activities at existing service stations, which do not generate new transport movements per se, rather replace existing vehicles on our roads that would otherwise visit the site, just for a different fuel type.	
Contaminated Land			
Whole chapter – Land Disturbance	Support with amendment	Throughout this Chapter, the provisions use the term Land Disturbance which has a specific and relatively limited definition and relates to where the profile of the land is not altered on a permanent basis. The Fuel Companies consider it would be more appropriate, given the chapter seeks to manage human health risks, to use the term “soil disturbance” in this chapter as applied under the NESCS. This would more appropriately enable an assessment of a corresponding activity against the policies in relation to the management of contaminants in soil to protect human health.	Replace “land disturbance” in this chapter with “soil disturbance”.
Objective CL-O1	Support	Objective CL-P1 appropriately focuses on managing contaminated land, and change of use, disturbance, development and subdivision, so that it is safe for human health. This is appropriate in general and is supported.	Retain CL-O1 as notified.
Policy CL-P1	Oppose	Policy CL-P1 requires <i>the investigation of contaminated land or potentially contaminated land prior to any change of use, land disturbance, development or subdivision of land that could result in an increase in the risk to human health resulting from any contamination of the land.</i> The Fuel Companies assume that this policy requires an understanding of a site, its history	Retain Policy CL-P1.

Plan Provision	Position	Reason	Relief Sought
		<p>and associated potential risks to human health before those activities are undertaken, rather than requiring a PSI or DSI to be prepared in order for an activity to achieve this policy.</p> <p>On this basis, the policy is supported.</p>	
Policy CL-P2	Support	<p>The Fuel Companies support Policy CL-P2 which focuses on a best practice approach to the management of contaminated soil to protect human health and to ensure the land is suitable for its intended use. The Fuel Companies consider this this policy is appropriate to manage effects on human health both from the carrying out of the physical works and ensuring that land is suitable for its intended use from a human health perspective.</p> <p>If methodologies are in place to appropriately manage contaminants in soils to protect human health (as required by proposed Policy CL-P2), a prior investigation of the potentially contaminated soils sought by CL-P1 is not <i>required</i>.</p> <p>On that basis, Policy CL-P1 is also considered unnecessary.</p>	Retain Policy CL-P2 as notified.
Policy CL-P3	Support	<p>Policy CL-P3 (remediation and management works) seeks to <i>ensure that the risks to human health from any remediation of, or any management works undertaken on, contaminated land, do not increase, and, where possible encourage the reduction of those risks.</i></p>	Retain Policy CL-P3 as notified.

Plan Provision	Position	Reason	Relief Sought
		The policy appropriately recognises that human health risks do not increase from remediation or management of contaminated land, and encourages reduction of such risks.	
Natural Hazards			
Objective NH-O1	Support	The principle of Objective NH-O1 is supported in that it seeks to avoid risk to human life and significant risk to property in high hazard areas, and elsewhere, seeks that risks are mitigated to an acceptable level.	Retain Objective NH-O1 as notified.
Objective NH-O2	Support	Objective NH-O2 (RSI) states that RSI is located outside of high hazard areas where practicable. This is supported given the Objective allows a practical consideration on the matter. For example, necessary changes or additions to existing RSI at the Port (located in multiple flood hazard areas) is not practicable to avoid.	Retain Objective NH-O2 as notified.
Policy NH-P4	Support in part	<p>Policy NH-P4 is supported in Part. It seeks to enable subdivision, use and development in areas subject to flooding provided that a range of specified effects are not likely or achieved, that significant effects are avoided and others mitigated, and that a minimum floor level is achieved. Policy NH-P4 further requires MHF to not be inundated.</p> <p>It is unclear what inundated means in the context of the Policy itself where the Policy relates to areas that are already subject to inundation by a 0.5% flood event. The overall policy is about risk which appropriately comes through via all other clauses, such that specific reference to MHF is unnecessary.</p>	<p>Delete the following clause from NH-P4:</p> <p>5. major hazard facilities will not be inundated; and</p>
Policy NH-P10	Support	Policy NH-P10 (High Hazard Areas) is supported because it allows all development in the high	Retain Policy NH-P10 as notified.

Plan Provision	Position	Reason	Relief Sought
		hazard areas unless that development is a Natural Hazard Sensitive Activity (which includes dwellings, buildings containing two or more employees, and places of assembly). The Policy also allows such development if it can be demonstrated that risks can be mitigated which is appropriate.	
Policy NH-P11	Support	Policy NH-P11 (RSI in natural hazard areas) is supported as it allows RSI (which includes the Port of Timaru and bulk fuel supply infrastructure including terminals, wharf lines and pipelines) in hazard areas where, inter alia, there is an operational or functional need for the RSI to be in such a location.	Retain Policy NH-P11 as notified.
Rule NH-R1	Support	Rule NH-R1 permits earthworks excluding land disturbance, in the flood assessment area overlay and in high hazard areas subject to standards. The Fuel Companies support the principle of permitting (subject to performance standards) earthworks, but excluding land disturbance from the chapter altogether given that land disturbance (as defined) does not permanently alter the profile, contour or height of the land. The RDA activity status for non-compliance with the PA conditions is also supported.	Retain Rule NH-R1 as notified.
Rule NH-R5	Support in part	Rule NH-R5 permits maintenance, replacement and upgrading of RSI which is supported however the definition of upgrade already includes 'replacement' so the necessity of including this term is questionable. The PA status is conditional as follows: <ul style="list-style-type: none"> – <i>PER-1: The infrastructure is within 5m of the existing alignment or location; and</i> 	Amend NH-R5 as follows: <i>Regionally Significant Infrastructure - maintenance, replacement and upgrading</i> <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i>

Plan Provision	Position	Reason	Relief Sought
		<p>– PER-2: The above ground footprint of the infrastructure is not increased by more than 10%;</p> <p>The 5m threshold in PER-1 is questioned. To what extent does a replacement pipe location (for example) that is positioned more than 5m from its existing location mean that the activity would potentially generate more of a risk or adverse effect on or from a natural hazard and therefore cannot be a PA. In particular if, after works, the ground levels remain unchanged. PER-1 is opposed and it is recommended that an amendment to exclude underground infrastructure is included.</p>	<p>The infrastructure excluding underground infrastructure is within 5m of the existing alignment or location; and</p> <p>PER-2</p> <p>The above ground footprint of the infrastructure is not increased by more than 10%;</p>
NH-R6	Support in part with clarifications	<p>NH-R6 provides a suite of rules for new RSI. This would include any development other than maintenance, replacement or upgrading as covered by Rule NH-R5 and excludes, in the flood assessment area, below ground infrastructure and above ground infrastructure that is less than 10m². In that regard, generally the rules (NH-R6.1 – 4) are supported as they enable minor structures and buildings.</p> <p>Where buildings or structures are greater in size, or within an OLFP or within a High Hazard Area they may need to be the subject of a Flood Risk Certificate. From a review of the s32 and the PDP the following is unclear:</p> <ol style="list-style-type: none"> 1. The process for obtaining a Flood Risk Certificate from and issued by Timaru District Council in relation to an activity under this rule and under Standard NH-S1. 	<p>Clarify matters 1-4 in the previous column and ensure the Rule promotes efficient management of natural hazards. .</p>

Plan Provision	Position	Reason	Relief Sought
		<p>2. Noting that the s32 report states: <i>There will also be a cost to those in the flood assessment areas in requiring a flood risk certificate from the Council but this is not considered to be unjustifiably high</i> (page 40); it is unclear what the costs are.</p> <p>3. Whether the Council has the resource and capacity to prepare Flood Risk Certificates on demand and what timeframes are for delivery.</p> <p>4. Whether FRCs will be limited to a site or prepared in terms of each catchment.</p>	
Rule NH-R7	Support	<p>NH-R7 is supported as it permits, in the Flood Assessment Area and High Hazard Overlay, small buildings and structures (less than 10m² GFA) and, notwithstanding size, all below ground structures and buildings. This would appropriately enable maintenance, operations, changes and upgrades of fuel industry activities at their retail service stations and truck stops that are located within these hazard areas.</p> <p>Similar to R6, this rule suggests that some activities may need to be the subject of a Flood Risk Certificate. The Fuel Companies have the same questions as the row above.</p>	<p>Retain Rule NH-R7 as notified.</p> <p>Clarify matters 1-4 in the previous column discussed against Rule NH-R6 and ensure the Rule promotes efficient management of natural hazards</p>
Hazardous Substances			
Introduction to Chapter	Support	<p>The Introduction to the Hazardous Substances Chapter is supported in part. In particular, the Fuel Companies support Council seeking only to control matters in relation to hazardous substances that are not covered by other more specific legislation including HSNO and HSWA.</p>	<p>Retain the Introduction Chapter as notified.</p>

Commented [SW1]: We have already sent you this chapter to review and there are no changes. Scroll to page 39

Plan Provision	Position	Reason	Relief Sought
<p>Objective HS-01 (Hazardous substances, use, storage and disposal)</p>	<p>Neutral with Amendments</p>	<p>Objective HS-01 (Hazardous Substances, use, storage and disposal) provides: <i>the use, storage, disposal and transportation of hazardous substances occurs where unacceptable risks to the environment and human health are avoided.</i></p> <p>There are inconsistencies between the chapeau and the objective itself with respect to “transportation” and MHF. In relation to transportation, clarification from Council is sought as to the intent of the objective in this regard.</p> <p>The Section 32 report on Hazardous Substances acknowledges that the CRPS has an objective that seeks to avoid, remedy or mitigate adverse effects on the environment from the storage, use, disposal and transportation of hazardous substances. The s32 then goes on to state that it is Timaru District Council’s responsibility to set out objectives and policies in its district plan to avoid actual or potential effects of the use, storage, transport or disposal of hazardous substances in the locations identified in the policies. Beyond these sentiments, there does not appear to be any clear rationale for Council seeking to control the transportation of hazardous substances.</p> <p>In terms of MHF, the definition of ‘unacceptable risk’ relates solely to MHF, but this is not reflected in the chapeau. The Objective could be amended to make it clear that the use, storage, and disposal of Hazardous Substances</p>	<p>Amend Objective HS-01 as follows:</p> <p><i>“Hazardous substances, use, storage and disposal:</i></p> <p><i>The risks associated with use, storage and disposal and transportation of hazardous substances are managed and, in relation to MHF, occurs where unacceptable risks to the environment and human health are avoided.</i></p>

Plan Provision	Position	Reason	Relief Sought
		is enabled or managed except where, in relation to MHF, unacceptable risks cannot be avoided.	
Objective HS-O2	Support in part	Objective HS-O2 (Sensitive Activities) requires new sensitive activities to be located to minimise reverse sensitivity effects on MHF and to avoid unacceptable risks to the sensitive activity. The principle of this Objective is supported but the Fuel Companies seek to ensure that unacceptable risks are avoided, including associated with intensification of any existing sensitive activities (consistent with the definition of reverse sensitivity).	<p>Amend Objective HS-O2 as follows:</p> <p><i>New sensitive activities and increased scale or intensity of existing sensitive activities are designed and located to minimise reverse sensitivity effects on major hazard facilities and to avoid unacceptable risks to the sensitive activity.</i></p>
Policy HS-P1	Oppose in part	<p>Policy HS-P1 (New Major Hazard Facilities and additions to existing Major Hazard Facilities) seeks to avoid unacceptable risks of new MHF and additions to MHF by a number of methods as follows:</p> <ol style="list-style-type: none"> using Quantitative Risk Assessments to ensure the risk of an individual human fatality is not greater than 1×10^{-6} per year (one in a million), including cumulative effects; and ensuring Major Hazard Facilities do not cause unacceptable cumulative effects by locating too close to each other; and locating Major Hazard Facilities outside of sensitive environments, except for Natural Hazard Areas (not defined as a High Hazard Area); and ensuring, in Natural Hazard Areas (not defined as a High Hazard Area), 	<p>Amend Policy HS-P1 as follows:</p> <p><i>Avoid unacceptable risks of new Major Hazard Facilities and additions to Major Hazard Facilities by:</i></p> <ol style="list-style-type: none"> using Quantitative Risk Assessments to ensure there is no unacceptable risk to sensitive activities the risk of an individual human fatality is not greater than 1×10^{-6} per year (one in a million), including cumulative effects; and ensuring Major Hazard Facilities do not cause unacceptable cumulative effects by locating too close to each other; and locating new Major Hazard Facilities outside of sensitive environments, except for Natural Hazard Areas (not defined as a High Hazard Area). and

Plan Provision	Position	Reason	Relief Sought
		<p><i>suitable measures are to undertaken to:</i></p> <ul style="list-style-type: none"> <i>a. avoid or minimise adverse effects from natural hazards on hazardous facilities and Major Hazard Facilities; and</i> <i>b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event.</i> <p>The Fuel Companies have concerns regarding the practical implications of this Policy and the use of the term "additions" without qualification. For example, the construction of a building that didn't involve hazardous substances, or a new pipeline which didn't materially alter/increase off site risk profiles would technically appear to fall to be additions and trigger an assessment against the Policy.</p> <p>The overarching intent of the policy is to avoid unacceptable risks of new MHF and additions to MHF. Unacceptable risk is defined in the PDP and is limited to the exposure of sensitive activities (including residential dwellings) to an individual fatality risk level exceeding 1 in a million. The Fuel Companies consider this needs to be clearly reflected in the underlying clauses, particularly Clause 1. Clause 1 would better reflect the intent of the policy if it were reworded as follows: <i>Using QRAs to ensure that there is no unacceptable risk to sensitive activities from MHF.</i></p>	<p>4. ensuring, in Natural Hazard Areas (not defined as a High Hazard Area), suitable measures are to undertaken to:</p> <ul style="list-style-type: none"> a. avoid or minimise adverse effects from natural hazards on hazardous facilities and Major Hazard Facilities; and b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event. <p>AND include a new policy as follows:</p> <p><i>Ensure, in Natural Hazard Areas (not defined as a High Hazard Area), good practice measures are to undertaken to:</i></p> <ul style="list-style-type: none"> <i>a. avoid or minimise adverse effects from natural hazards on hazardous facilities and Major Hazard Facilities; and</i> <i>b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event.</i>

Plan Provision	Position	Reason	Relief Sought
		<p>Clause 2 seeks to avoid unacceptable cumulative effects from MHF being located too close to one another. Cumulative effects are included in the definition of "effect" in s3 of the RMA and therefore have to be considered, if relevant, in an assessment of any activity. The basis for this clause is therefore questioned.</p> <p>Clause 3 seeks that MHF are located outside of <u>sensitive environments</u>, except for <u>Natural Hazard Areas</u> (not defined as a <u>High Hazard Area</u>). Each of the MHFs in the district are already located in sensitive environment(s) and therefore the Fuel Companies consider this clause should relate to new MHF which would then be supported.</p> <p>Clause 4(a) seeks to avoid or minimise adverse effects from natural hazards on hazardous facilities and MHF. This sub-clause addresses both hazardous facilities and MHF which could cause problems in a policy assessment as part of the Sub-clause does not relate to the principle policy intent. This is similar for Clause (b). It is recommended that Sub clauses 4(a) and (b) are separated out into a new policy with amendments.</p> <p>The policy seeks that suitable measures are undertaken to avoid or minimise effects or risks. It would be helpful if the (new) policy sought that good practice measures were undertaken as opposed to suitable measures which provides better direction.</p>	

Plan Provision	Position	Reason	Relief Sought
Policy HS-P2	Support	Policy HS-P2 (repair and maintenance of existing MHF) is supported in principle in that it enables the repair and maintenance of existing MHF. The Fuel Companies also consider that changes, additions and upgrades to existing MHF, where such changes, additions or upgrades do not alter by increasing the risk profile of the MHF, should also be enabled in this chapter, either through Policy P2, or a new policy.	Retain Policy HS-P2 as notified.
Policy HS-P3	Support in part	Policy HS-P3 (Sensitive activities in proximity to Major Hazard Facilities) is supported in that it seeks to require sensitive activities to be sufficiently separated from MHF to minimise reverse sensitivity effects on the MHF and to avoid unacceptable risks to the sensitive activity.	Amend Policy HS-P3 as follows: Require sensitive activities and increased scale or intensity of existing sensitive activities to be sufficiently separated from Major Hazard Facilities to minimise reverse sensitivity effects on the Major Hazard Facility and to avoid unacceptable risks to the sensitive activity.
Policy HS-P4	Oppose	Policy HS-P4 seeks to (1) enable hazardous facilities (other than MHF) provided that the facility is not located in a sensitive environment (exception for those in a Flood Assessment Area) and where the facility is located in a Flood Assessment Area where the flood hazard can be mitigated. The Policy then goes on to state that (2) Only allow hazardous facilities (other than Major Hazard Facilities) in sensitive environments where the risks to the sensitive environments can be avoided in the first instance, or where avoidance is not possible, minimised.	Delete Policy HS-P4.

Plan Provision	Position	Reason	Relief Sought
		<p>The Fuel Companies oppose the proposed policy approach of HS-P4. The use of the definition of sensitive environment (whilst not opposed in principle) is opposed in terms of its use in this manner in this Policy. The definition extends to a range of matters which are not specific to hazardous substances and the policy seeks to principally avoid any hazardous facility in a sensitive environment, noting here that it is also not clear whether that includes ongoing operation, changes, additions, alterations, maintenance and upgrades of existing facilities. The relationship between the effects of hazardous facilities and sensitive environments would be better managed through provisions applicable to all activities affected by these specific areas or overlays (i.e. in their own chapters, rather than a blanket policy seeking to avoid any facility in such an area). Instead, hazardous substance activities would be more appropriately determined on a case-by-case basis depending on, for example, the specific activity's sensitivity to risk or the sensitive environment's sensitivity to hazardous facilities. Comments on Rule HS-R1 below address this matter further on a practical basis.</p>	
Rule HS-R1	Oppose in part	<p>Rule HS-R1 (Use and/or storage of hazardous substances in a hazardous facility (excluding Major Hazard Facilities)) is opposed in part given that the PA status relies on the facility not being located in a sensitive environment (other than a Flood Assessment Area). Firstly, it is unclear whether the proposed rule relates to alterations or changes to existing hazardous facilities. For example, the replacement of an</p>	<p>Amend Rule HS-R1 as follows:</p> <p><i>Rule HS-R1 (Use and/or storage of hazardous substances in a hazardous facility (excluding Major Hazard Facilities))</i> <i>All zones</i> <i>Activity status: Permitted</i></p>

Plan Provision	Position	Reason	Relief Sought
		<p>existing underground fuel storage tank is a routine and necessary activity the Fuel Companies undertake at their retail service stations and truck stops; such that it has been recognised and permitted at the National level through the NESCS. Tank replacement can involve an increase in the volume of underground fuel storage (usually petrol or diesel), and, at the same time, result in no change to the risk profile both on and off site, in particular, no change to risks or effects to many of the types of sensitive environments listed in the definition (such as heritage buildings). The Fuel Companies' sites are designed and operated in accordance with HSNO COP (44 and 45) and operated in accordance with the MfE Guidelines. Moreover, the new tanks are made of industry standard materials and usually replace old tanks that may not be fit for purpose with a higher quality storage product. In such, and many other, circumstances, a permitted activity pathway is entirely appropriate and amendments in this regard are sought.</p>	<p>Where:</p> <p>PER-1 <i>The hazardous facility is located outside a sensitive environment (other than a Flood Assessment Area Overlay); and</i></p> <p>PER-2 <i>The activity is within a Flood Assessment Area Overlay and the hazardous facility has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.</i></p>
Rule HS-R2	Support in part	Rule HS-R2 (Maintenance and repair of MHF) is supported in part however should include upgrades, changes and additions that do not increase or materially change the risk profile.	<p>Amend Rule HS-R2 as follows:</p> <p><i>Maintenance, repair, upgrades, additions and alterations of Major Hazard Facilities</i></p> <p><i>Activity Status: Permitted</i></p> <p>Where:</p> <p>PER-1:</p>

Plan Provision	Position	Reason	Relief Sought
			<p><i>The activity does not increase or enlarge the risk profile of the major hazard facility, as measured from the date of notification of this Plan.</i></p> <p><i>Activity status where compliance not achieved: Discretionary</i></p>
Rule HS-R3	Support	Rule HS-R3 (Sensitive activities, including subdivision to create a new allotment to accommodate future sensitive activities, in proximity to a Major Hazard Facility) permits sensitive activities in proximity to an MHF where (PER-1) a QRA has been prepared and demonstrates that the activity is outside an area of unacceptable risk OR where (PER-2) there is no QRA and the activity is not located within 250m of the MHF. The Fuel Companies support this rule.	Retain Rule HS-R3 as notified.
Rule HS-R4	Support in part with amendments	Rule HS-R4 provides for new MHF and additions to existing MHF as a discretionary activity. It is unclear what is intended by “additions” to MHF. As discussed above, there are many activities that aren’t defined as maintenance and repair, nor upgrades, that could be considered an “addition”, but would not materially change (by increasing) hazardous substance risk. The blanket approach to requiring a consent for any such additions is therefore opposed and the Fuel Companies consider the rule needs amending and a new PA rule with appropriately risk-based performance standards is required.	<p>Amend HS-R4 as follows:</p> <p><i>New Major Hazard Facilities and additions to Major Hazard Facilities</i></p>

Plan Provision	Position	Reason	Relief Sought
		The Fuel Companies consider that regard needs to be had to whether additions to an existing MHF create an unacceptable risk when drafting a rule framework that relates to 'additions' (or similar) to an MHF. Refer To Rule HS-R2.	
Coastal Environment			
Objective CE-O6 Policy CE-P13	Support	Objective CE-O6 (Existing Urban Activities) is supported as it recognises that parts of the Coastal Environment are already highly modified by existing urban activities, including the Port of Timaru, and seeks to provide for such ongoing activities. Similarly, Policy CE-P13 is supported as it allows RSI, including the Port of Timaru, in areas subject to Coastal Hazards where there is a functional or operational need to locate there.	Retain Objective CE-O6 and Policy CE-P13
Objective CE-O3	Support	Objective CE-O3 acknowledges that a risk-based approach to the management of subdivision, use and development in Coastal Hazard Areas should be taken, including consideration of the sensitivity of an activity or use to loss of life, damage and ability to recover, as well as considering the likelihood of adverse effects occurring from a coastal hazard. This is supported.	Retain Objective CE-O3 as notified.
Rule CE-R7 Rule CE-R8	Support with clarification	Rule CE-R7 (RSI – maintenance and upgrade) is a PA in the Coastal Erosion Overlay and the Sea Water Inundation Overlay subject to five PA performance standards (PER-1 – 5). Rule CE-R8 (RSI – New) is supported which permits New RSI in the same overlays as R7 subject to standards.	Retain Rules CE-R7 and R8 as notified.

Plan Provision	Position	Reason	Relief Sought
Standard CE-S1	Support	Rule CE-S1 enables buildings and structures that are located both in the Coastal Environment Overlay and in the Port Zone to be permitted activities subject to the Port Zone's rules and standards for building height. The Fuel Companies support this approach and seek that this standard is retained.	Retain Standard CE-S1 as notified.
Earthworks			
Policy EW-P1	Support	Policy EW-P1 recognises the benefits and necessity of earthworks for the subdivision, use and development of land, the provision of utilities, and natural hazard mitigation. The Fuel Companies support this policy.	Retain Policy EW-P1 as notified.
Policy EW-P4	Support	Policy EW-P4 seeks to protect RSI from adverse effects of earthworks which is also supported.	Retain Policy EW-P4 as notified.
Rule EW-R1 and Note above	Support with amendment and clarification	<p>The Fuel Companies support the overall approach to the Earthworks Chapter's single rule which permits all earthworks in all zones subject to five performance standards as relevant. The Fuel Companies also (generally) support the exclusion of the following earthworks activities from the rules (and which are therefore permitted as per the Note⁴ preceding Rule EW-R1):</p> <ul style="list-style-type: none"> – <i>Earthworks for test pits, wells or boreholes that are a PA under a regional plan or have a regional resource consent.</i> – <i>Earthworks for infrastructure permitted in the Energy, Infrastructure and Transport chapters of the Plan.</i> 	<p>Amend Rule EW-R1 as follows</p> <p><i>Earthworks, excluding earthworks:</i></p> <ul style="list-style-type: none"> a) <i>for tree planting, or the removal of trees not protected by the District Plan;</i> b) <i>for test pits, wells or boreholes permitted under a regional plan or where all necessary regional resource consents have been obtained;</i> c) <i>for infrastructure permitted in the Energy, Infrastructure and Transport chapters of the Plan;</i> d) <i>required for maintenance of existing drains and ponds;</i>

⁴ Note: Activities not listed in the rules of this chapter are classified as a permitted [sic] under this chapter.

Plan Provision	Position	Reason	Relief Sought
		<p>– <i>Earthworks that are permitted under a National Environment Standard, unless otherwise subject to a rule in this Plan.</i></p> <p>In addition, the Fuel Companies seek a specific exemption for earthworks undertaken in relation to the removal or replacement of underground fuel storage systems (regardless of whether that activity is permitted under a NES or requires a resource consent under an NES), noting that this activity is specifically addressed under the NES:CS and should not be duplicated under the district plan. This may be the intention of the Note (at least in part) and relief and clarity is sought in this regard.</p>	<p>e) <i>for natural hazard mitigation works carried out by Timaru District Council or Canterbury Regional Council that are permitted by the relevant Plan chapter;</i></p> <p>f) <i>for cemeteries, including pet cemeteries, and urupā;</i></p> <p>g) <i>permitted under a National Environment Standard, unless otherwise subject to a rule in this Plan.</i></p> <p>h) <i>within the building footprint, or within 2m of the outer edge of, a building that has building consent and that complies with EW-S3. This exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the principal building on the site or adjoining site.</i></p> <p>i) <i>in relation to the removal or replacement of underground fuel storage systems undertaken under any one of Regulations 8-11 of the NESCS.</i></p>
Standard EW-S1.3	Support	Standard EW-S1.3 is generally supported in that it allows earthworks on sites in commercial, industrial and the Port Zone to undertake 2,000m ² of earthworks per 12 month period per site.	Retain Standard EW-S1.3 as notified.
Port Zone			
General - Zoning	Support	The Fuel Companies' MHF are located at the Port of Timaru within the proposed Port Zone. The Port Zone permits Port Activities as defined	Retain the geographic extent and provisions of the Port Zone as notified.

Plan Provision	Position	Reason	Relief Sought
		<p>(Refer to Definitions section above in Table 1) and also enables emergency service facilities and industrial activities. Resource consent is otherwise required for any other activity, including residential activities which are either a discretionary activity (DA) (if the residential activity is ancillary to a Port Activity or an industrial activity) or non-complying. In other words, any sensitive activity (as is defined in the PDP) in the Port Zone requires a DA or Non-Complying activity resource consent.</p> <p>On this basis, the Port Zone provisions will provide the key mechanism for managing risks from existing MHF, including additions to the same and reverse sensitivity. The geographic extent and Port Zone provisions are therefore supported.</p>	
<p>Objective PORTZ-O1</p> <p>Policies PORTZ-P1 – P3</p>	<p>Support</p>	<p>The Objective and Policies in the Port Zone Chapter, broadly, provide for Port Activities and ancillary activities, and the establishment and growth of some industrial activities and other compatible activities. They acknowledge the Port's role as regionally significant infrastructure.</p> <p>The provisions are generally discouraging of non-Port related activities which is supported. They also recognise the functional need of Port operations including in terms of it's location, and require reverse sensitive effects to be avoided on Port activities.</p> <p>The objective and policies are supported.</p>	<p>Retain the Objectives and Policies as notified.</p> <p>AND</p> <p>Amend the labelling and numbering for clarity.</p>

Plan Provision	Position	Reason	Relief Sought
		It is noted here that some of the objectives and policies are identified as "PREC7-O1" for example, which may be an error and if so should be amended.	
Rule PORTZ-R1	Support	Rule PORTZ-R1 permits Port Activities where the activity and its buildings and structures complies with all of the Standards in this Chapter. The rule is supported as is the RDA activity status of non-compliance.	Retain Rule PORTZ-R1 as notified.
Mixed Use Zone, Town Centre Zone and Neighbourhood Centre Zone			
All those listed below		The potential for reverse sensitivity effects, and associated issues, can be influenced by the intensity and nature of adjoining activities. The Fuel Companies support recognition that sensitive activities, in particular residential activities, in commercial and mixed use zones have the potential to create reverse sensitivity effects on existing non-residential activities. The Fuel Companies submission points below address this matter.	N/A
Policy NCZ-P2	Support with amendment	<p>Policy NCZ-P2 (Residential activities) Enables <i>new residential activities where they are located above ground floor level and with an appropriate area of outdoor living space.</i></p> <p>The Fuel companies consider that, with the absence of any other policy addressing the matter, Policy NCZ-P2 should be amended to seek that reverse sensitivity effects should be minimised through residential development.</p>	<p>Amend Policy-NCZ-P2 as follows:</p> <p><i>Enable new residential activities where:</i></p> <p>a. they are located above ground floor level and with an</p> <p>b. there is appropriate area of outdoor living space; and</p> <p>c. they are designed to minimise potential reverse sensitivity effects on existing non-residential activities.</p>
Policy TCZ-P2	Support with amendment	<p>Policy TCZ-P2 (Residential activities) Enables <i>new residential activities where they are located above ground floor level.</i></p>	<p>Amend Policy-TCZ-P2 as follows:</p> <p>Enable new residential activities where they are located above ground floor level and where they are designed to minimise</p>

Plan Provision	Position	Reason	Relief Sought
		The Fuel companies consider that, with the absence of any other policy addressing the matter, Policy TCZ-P2 should be amended to seek that reverse sensitivity effects should be minimised through residential development.	<u>potential reverse sensitivity effects on existing non-residential activities.</u>
Policy MUZ-P4	Support	Policy MUZ-P4 (Residential activities) provides <i>for residential activities where they are designed to minimise potential reverse sensitivity effects on commercial or existing industrial activities.</i> The Fuel Companies support this policy.	Retain Policy MUZ-P4 as notified.