

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

Paul Patrick Feltoe (Safety Solutions Ltd) On behalf of Timaru Oil Services Ltd (Contact: Steve Simpson)

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

Proposed District Plan (Part 2) , Hazards and Risks, HS - Hazardous Substances

[State the name of proposed or existing plan and (where applicable) change or variation].

I could/could not* gain an advantage in trade competition through this submission.

*[*Select one.]*

The specific provisions of the proposal that my submission relates to are: *[Give details]* .1) An unqualified proposed risk target of 1E-6. 2) Proposed requirement to perform a QRA on a facility "change". 3) Responsible parties to assess cumulative risk (multi-site impacts)

My submission is: *[Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]*

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- *Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or*
- *In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]*

The draft district plan defines a proposed risk target of 1E-6 (fat/year). This is not aligned with HIPAP 4 guidelines (50 E-6 for industrial use) which is the guidance used in NZ. The risk target has not been qualified for location (site vs offsite), single scenario vs multiple scenario (on same site), cumulative risks (all adjacent sites) or public vs workers. Without qualification, the assessed risk could be 100 times bigger or smaller which makes the assessment process meaningless. This could easily restrict industrial activities, or possibly allow hazardous operations with no meaningful risk driver.

The requirement to perform a Quantitative Risk Assessment (QRA) is implied in the draft plan which determines risk profiles. There are numerous other techniques used in industry which can calculate numerical values. It is recommended the required technique be specifically defined. QRAs are used in land planning where "nominal" risk levels are used for siting purposes. They serve limited safety benefit. There are no established standards for QRA application which means a practitioner can make conservative or optimistic assumptions to "steer" the "result" to a desired outcome to get "approval".

The draft plan specifies the requirement to perform a risk assessment (QRA) on changes to the MHF. This requirement should be qualified as most changes to a facility do not have any impact on risk. For example, a risk assessment trigger point could be a 10% increase in storage capacity beyond the current design capacity of the facility.

There is no NZ based guidance for the application of QRAs to land planning. For this reason NZ companies typically refer to HIPAP 4 (NSW). It is important that a relevant guidance is specified to ensure consistency and an objective approvals process.

The approach by WorkSafe Victoria (as an advising authority to the councils) to has moved to separation distance model (<https://www.worksafe.vic.gov.au/land-use-planning-near-major-hazard-facility>). This is much easier approach to administer from all parties. Again, there is no equivalent in NZ, however NZ and

I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested].*

1. A clear reference to appropriate standards (eg HIPAP 4). This will ensure the quantitative risk assessments performed are similar in nature.
2. A qualified risk target that is aligned with international norms. For example HIPAP 4 (NSW) uses a target of 50 E-6 for industrial use and lesser targets for sensitive areas. The current draft plan has no qualification.
3. Clear responsibilities for performing QRA for adjacent MHF and non-MHF sites. non-MHF sites may still be hazardous and have risk, but not have any technical expertise to perform risk assessments or interpret them.
4. Consideration of the approach adopted by WorkSafe Victoria (<https://www.worksafe.vic.gov.au/land-useplanning-near-major-hazard-facility>) which is simpler to administer from all sides.

I wish to be heard in support of my submission

*[*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*

*[*Select one.]*

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

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

[A signature is not required if you make your submission by electronic means]

Date .14/12/2022

Electronic address for service of submitter: steve.simpson@tosl.co.nz

Telephone:0278386453.

Postal address (or alternative method of service under s352 of the Act):PO Box 109, Timaru 7910.....

Contact person: *[name and designation, if applicable]* Steve Simpson, Terminal Manager, Timaru Oil Services Ltd..

Note to person making submission

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. 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 specialist knowledge or skill to give expert advice on the matter.