



Timaru District Council
2 King George Place
Timaru 7910
Phone: 03 687 7200

Further submission in support of, or in opposition to, submission on the Proposed Timaru District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

Further submissions close on Friday 4 August 2023 at 5pm

To: Timaru District Council

This is a further submission in support of, or in opposition to, a submission on the **Proposed Timaru District Plan**.

Full name of person making further submission:

[bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited \("the Fuel Companies"\)](#)

Organisation name and contact (if representing a group or organisation):

Only certain persons can make a further submission. Please select the option that applies.

I am:

- a person representing a relevant aspect of the public interest;
- a person who has an interest in the proposal that is greater than the interest the general public has;
- the local authority for the relevant area.

Please explain why you come within the category selected above:

[The Fuel Companies' interest in the PDP is greater than that of the general public, being an original submitter on the PDP with respect to their retail fuel outlets and bulk storage facilities across the Timaru District.](#)

Hearing options

I wish to be heard in support of my further submission? Yes No

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

Yes No

Signature:  Date: [03/08/2023](#)

(of person making submission or person authorised to make decision on behalf)

PLEASE NOTE - A signature is not required if you submit this form electronically. By entering your name in the box above you are giving your authority for this application to proceed.

Electronic address for service of person making further submission: thomas.trevilla@4sight.co.nz

Telephone: 020 400 06702

Postal address (or alternative method of service under section 352 of the Act):

[201 Victoria Street West, Auckland Central, Auckland 1010](#)

Contact person: *[name and designation, if applicable]:* [Thomas Trevilla](#)

You have served a copy of the further submission on the original submitter (this is required under the Resource Management Act 1991 Schedule 1, s8A(2) to be completed within 5 working days after it is served on the Timaru District Council)

Yes No

Further submissions close on Friday 4 August 2023 at 5pm.

**FURTHER SUBMISSION ON THE PROPOSED TIMARU DISTRICT PLAN PURSUANT TO
CLAUSE 8 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Timaru District Council
PO Box 522
Timaru 7940

Attention: District Plan Team

Email: pdp@timdc.govt.nz

Submitter: bp Oil New Zealand Limited
PO Box 99 873
Auckland 1149

Mobil Oil New Zealand Limited
PO Box 1709
Auckland 1140

Z Energy Limited
PO Box 2091
Wellington 6140

Hereafter referred to as the Fuel Companies

Address for Service: 4Sight Consulting Limited
201 Victoria Street West
Auckland Central
Auckland 1010

Attention: Thomas Trevilla

Phone: 020 400 06702
Email: thomas.trevilla@4sight.co.nz

Date: 3 August 2023

INTRODUCTION

1. bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (*the Fuel Companies*) are a submitter (submission number 196) on the Proposed Timaru District Plan (*the PDP*).
2. The Fuel Companies' further submission in support of / in opposition to original submissions on the PDP is set out in the appended Schedule A.

ADMINISTRATIVE MATTERS

3. The Fuel Companies' interest in the PDP is greater than that of the general public, being an original submitter on the PDP with respect to their retail fuel outlets and bulk storage facilities across the Timaru District (*the District*).
4. The Fuel Companies could not gain an advantage in trade competition through this further submission.
5. The Fuel Companies wish to be heard in support of this further submission.
6. If others make similar submissions, the Fuel Companies may be prepared to consider presenting a joint case with them at any hearing.

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



Thomas Trevilla
Planning and Policy Consultant
4Sight Consulting Limited

3 August 2023

SCHEDULE A: FURTHER SUBMISSION OF THE FUEL COMPANIES ON THE PROPOSED TIMARU DISTRICT PLAN

Original submission					Further submission of the Fuel Companies		
Submitter	Submission number	Provision	Position	Summary of relief sought (for amendments, deletions are in bold red strikethrough while additions are in bold red underline)	Position	Reasons	Relief sought
Timaru Oil Services Ltd	155.1	General	Oppose	<p>The submission point has been summarised by the Council as follows:</p> <p><i>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 is meaningless. This could easily restrict industrial activities, or possibly allow hazardous operations with no meaningful risk driver. 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)</i></p> <p>With the following relief:</p> <ol style="list-style-type: none"> 1. A clear reference to appropriate standards (e.g., [Hazardous Industry Planning Advisory Paper no. 4 (HIPAP 4)]). 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. 3. Clear responsibilities for performing [Quantitative Risk Assessments (QRA)] for adjacent [Major Hazard Facility (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://worksafe.vic.gov.au/landusplanning-near-major-hazard-facilty) which is simpler to administer from all sides. 	Support	<p>The Fuel Companies have serious concerns regarding the practical implications of the use and definition of “unacceptable risk” through the PDP and support the concerns raised by Timaru Oil Services Ltd (TOSL) regarding the risk thresholds applied in the Plan / definition not being applicable or appropriate or qualified for the context in which they will be applied.</p> <p>The requirement of the PDP to perform a QRA on changes to MHF should be, firstly, qualified, and secondly, justified through robust analysis.</p> <p>The Fuel Companies support the concerns raised by TOSL in its submission.</p>	Allow
Royal Forest and Bird Protection Society	156.84	New Contaminated Land rule	Oppose	Either add a new standard or a new rule to protect environmental health / indigenous biodiversity.	Oppose	The Fuel Companies consider that any new standard or rule would unnecessarily duplicate, or be contrary to, the functions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, other plan provisions and the Canterbury Land and Water Regional Plan.	Disallow
Fonterra Limited	165.13	‘Hazardous Facility’ definition	Oppose	Delete the definition of ‘Hazardous Facility’ (in response to amendments recommended by the submitter to the chapter).	Oppose	The Fuel Companies consider that it is useful to define ‘Hazardous Facilities’ separate to ‘Major Hazard Facilities’, as long as Hazardous Facilities are appropriately provided for as permitted activities by the plan (e.g., the general permitted activity status afforded by HS-R1), to avoid uncertainty in plan interpretation.	Disallow
PrimePort Limited	175.26	TRAN-S1 Landscaping where five or more at grade car parking spaces are provided for non-residential activities on a site	Oppose	<p>Amend TRAN-S1 follows:</p> <p>TRAN-S1 Landscaping where five or more at grade car parking spaces are provided for nonresidential activities on a site</p> <p>All Zones except the Port Zone</p>	Support	The Fuel Companies consider that it is appropriate for the Port Zone to be excluded from the standard given the existing and planned character of the Zone, and that the standard is principally intended for the residential, commercial and open space environments which the Zone is separated from.	Allow

Original submission					Further submission of the Fuel Companies		
Submitter	Submission number	Provision	Position	Summary of relief sought (for amendments, deletions are in bold red strikethrough while additions are in bold red underline)	Position	Reasons	Relief sought
PrimePort Limited	175.29	NH-P4 Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas and overland flow paths	Oppose	<p>Amend NH-P4 as follows:</p> <p>NH-P4 Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas and overland flow paths</p> <p>Enable subdivision, use and development (excluding Regionally Significant Infrastructure) in areas subject to inundation by a 0.5% AEP flood event provided that:</p> <ol style="list-style-type: none"> 1. it is not likely to suffer significant damage in a flood event; and 2. it will not significantly affect the functioning of the flood plain; and 3. it will not generate the need for new or upgraded public natural hazard mitigation works to mitigate or avoid the natural hazard; and 4. a minimum floor level above the 0.5% AEP design flood level can be achieved or the effects of flooding on the building can be mitigated; and 5. major hazard facilities will not be inundated; and 6.5. significant adverse effects on people and property are avoided; and 7.6. increased risk on other sites is avoided as a priority and where this is not practicable, will be appropriately mitigated. 	Support	<p>The Fuel Companies support the amendment of clause (4) as it provides for buildings to be located in flood hazard areas if appropriate mitigation measures are in place even though a minimum floor level above the flood level cannot be achieved.</p> <p>The Fuel Companies support the deletion of clause (5) as some Major Hazard Facilities need to be located in flood hazard areas due to functional and operational requirements and ensuring that such facilities will not be inundated cannot be guaranteed. Examples include such facilities within the Port Zone.</p>	Allow
Timaru District Holdings Limited	186.12	TRAN-S1 Landscaping where five or more at grade car parking spaces are provided for non-residential activities on a site	Oppose	<p>Amend TRAN-S1 Zone as follows:</p> <p>TRAN-S1 Landscaping where five or more at grade car parking spaces are provided for non-residential activities on a site</p> <p>All Zones except the Port Zone</p>	Support	The Fuel Companies consider that it is appropriate for the Port Zone to be excluded from the standard given the existing and planned character of the Zone, and that the standard is principally intended for the residential, commercial and open space environments which the Zone is separated from.	Allow
Kāinga Ora	229.168	GIZ-P1 Industrial activities	Amend	<p>Amend GIZ-P1 as follows:</p> <p>GIZ-P1 Industrial activities</p> <p>Enable a range of industrial activities and associated activities where:</p> <ol style="list-style-type: none"> 1. ancillary activities are conducted on the same site as the primary industrial activity; and 2. the activity does not include residential activities; and 3. they are compatible and complementary to the purpose, character and qualities of the General Industrial Zone; and 4. Offensive trades and hazardous facilities are not permitted to establish on a site, adjacent to another site with an open space and recreation, or residential zoning. 	Oppose in part	The Fuel Companies consider that the insertion of clause (4) is not clearly effects based and would be inconsistent with the provisions of the Hazardous Substances chapter including the general permitted activity status afforded to Hazardous Facilities by HS-R1. It is also important to note that Hazardous Facilities, and hazardous substances, are comprehensively managed by a combination of district and regional plans, non-RMA statutes and regulations, industry best practice and site management plans. Some Hazardous Facilities can therefore be appropriately located near open space, recreational or residential zones.	Disallow in part - disallow clause (4)