#### **SLR Consulting New Zealand**

201 Victoria Street West Auckland 1010, New Zealand



### 7 February 2025

Submitter 196 - Fuel Companies - Hearing Statement for Heading E

Attention: Hearing Administrator Timaru District Council PO Box 522 Timaru 7940

Via email: pdp@timdc.govt.nz

SLR Project No.: 810.V08652.00001

RE: Proposed Timaru District Plan - Hearing E Infrastructure - Hearing Statement of the Fuel Companies (Submitter 196)

#### INTRODUCTION

- This hearing statement is prepared on behalf of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) in relation to their submissions allocated to the Infrastructure topic of Hearing E for the Proposed Timaru District Plan (the PDP).
- 2. This hearing statement represents the views of the Fuel Companies and is not expert evidence. The Fuel Companies will not be attending the hearing but request that this hearing statement be tabled before the Hearings Panel.
- 3. The Fuel Companies have an interest in the PDP to the extent that it relates to, or impacts on, their sites and activities in the Timaru District, including service stations, truck stops, and the Z Energy bulk storage fuel terminals in Timaru Port.

## **SUBMISSION**

- 4. The analysis and recommendations of the s 42A report on the Energy and Infrastructure, Stormwater and Transport topics, prepared by Andrew Willis and dated 11 December 2024, as they relate to the submissions of the Fuel Companies have been reviewed.
- 5. Mr Willis' recommendations are supported. There are, however, corrections required to his recommended amendments to SW-R4 and SW-R5. These have been raised with Mr Willis, and it is understood he agrees the corrections are needed. Specifically, the following corrections are required to the referenced SW standards, due to the recommended deletion of SW-S1:

Reporting Officer's recommended insertions in underline and deletions in strikethrough.

Fuel Companies' further recommended insertions in <u>double underline</u> and deletions in <del>double strikethrough</del>.

SW-R4 All developments, other than a road, that result in an increase in impervious surfaces of greater than  $30m^2$ , excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan

[...]

Where:

## PER-1

All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring properties; and

#### PER-2

Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-<u>S3S2</u> and SW-S4 that allows entry of the stormwater into the reticulated stormwater network; and or

#### PER-3

- 1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4S3 that allows entry of the stormwater into the reticulated stormwater network; or
- <u>2. The stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.</u>

[...]

SW-R5 All developments, other than a road, that result in an increase in impervious surfaces of greater than 50m<sup>2</sup>, excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan

[...]

Where:

#### PER-1

All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring properties; and

#### PER-2

Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-<u>S3S2</u> and SW-S4 that allows entry of the stormwater into the reticulated stormwater network; and or

#### PER-3

- 1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4S3 that allows entry of the stormwater into the reticulated stormwater network; or
- 2. The stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.

#### **CLOSING**

6. Thank you for your time and acknowledgement of the matters raised in the submissions of the Fuel Companies. Please do not hesitate to contact the writer should you wish to clarify any matters addressed herein.



Regards,

**SLR Consulting New Zealand** 

**Thomas Trevilla** 

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# **SLR Consulting New Zealand**

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# **Attachment A**

Summary of recommendations on the Fuel Companies' submissions



# **Summary of recommendations on the Fuel Companies' submissions**

Provision	Ref #	Submission Reason and Relief Summary (insertions in red and underlined and deletions in red and struckthrough)	Reporting Officer Recommendation (insertions in <u>blue and underlined</u> and deletions in <del>blue and struckthrough</del> )	Fuel Companies' Position
Definitions				
Lifeline Utilities	196.4	Retain the "Lifeline Utilities" definition as notified.	Accept in part. <b>Amend</b> the "Lifeline Utilities" definition as follows:  Means <u>infrastructure that delivers a service operated by a lifeline utility those entities listed</u> in Part A, or described in Part B, of Schedule 1 to the Civil Defence Emergency Management Act 202 that are within the Timaru District.	Support
Regionally Significant Infrastructure	196.8	Retain the "Regionally Significant Infrastructure" definition as notified.	Accept in part.	Support
Upgrading / Upgrade	196.15	Amend the "Upgrading / Upgrade" definition as follows:  Means the replacement, renewal or improvement of infrastructure that may results in an increase in carrying capacity, but excludes repair and maintenance.  Supports the definition in part however considers 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). 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. [see original submission for full reason]	Accept.	Support
EI - Energy and Infrasti	ructure			
EI-O1	196.19	Retain El-O1 as notified.	Accept in part. Amend EI-O1 as follows:  EI-O1 Regionally Significant Infrastructure and Lifeline Utilities  Regionally Significant Infrastructure and Lifeline Utilities are Eeffective, resilient, efficient and safe Regionally Significant Infrastructure and Lifeline Utilities that and:  1. provides essential and secure services, including in emergencies; and  2. facilitates local, regional, national or international connectivity; and  3. contributes to the economy, support emissions reduction and supports a high standard of living; and  4. is are aligned and integrates with the timing and location of urban development; and  5. enables people and communities to provide for their health, safety and wellbeing.	Support
EI-O2	196.20	Retain EI-O2 as notified.	Accept in part. Amend EI-O2 as follows:	Support



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			EI-O2 Adverse effects of Regionally Significant Infrastructure and Lifeline Utilities and other infrastructure	
			The adverse effects of Regionally Significant Infrastructure, and Lifeline Utilities and other infrastructure:	
			1. are avoided in sensitive environments the areas identified in El-P2.1.a unless there is a functional need or operational need for the infrastructure to be in that location and no practical alternative locations, in which case they must be remedied or mitigated managed by applying the effects management hierarchy set out in El-P2 or El-PX for the National Grid; and	
			2. are avoided, remedied or mitigated to achieve having regard to the relevant objectives for the underlying zone in other areas.	
EI-O4	196.21	Retain EI-O4 as notified.	Accept in part. Amend EI-O4 as follows:	Support
			EI-O4 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities	
			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 incompatible activities and reverse sensitivity effects.	
EI-P2	196.23	Retain EI-P2 as notified.	Accept in part. Amend EI-P2 as follows:	Support
			EI-P2 Managing adverse effects of Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure	
			1. Except as provided for by Policy El-PX, Pprovide for Regionally Significant Infrastructure.  Lifeline Utilities and other infrastructure where any adverse effects are appropriately managed by:	
			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 archaeological areas, riparian margins, bat protection areas and notable trees in accordance with the relevant Part 2 - District Wide provisions applying to those areas; and	
			b. controlling managing the height, bulk and location of Regionally Significant Infrastructure and other all infrastructure, consistent with taking into account the role, function, character and identified qualities of the underlying zone; and	
			c. requiring compliance with recognised standards or guidelines relating to <u>acceptable</u> noise <u>for noise sensitive activities</u> , vibration, radiofrequency fields and electric and magnetic fields <u>to minimise adverse effects on human health, wellbeing and amenity;</u> and	
			d. requiring the undergrounding of network utilities lines in new areas of urban development; and	
			e. minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and	





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			f. allow new water infrastructure, including open drains, ponds and structures for the reticulation and storage of water for agricultural and horticultural activities in sensitive environments where the adverse effects can be minimised; and	
			g. requiring other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and to maintain taking into account the character and qualities of the surrounding area;	
			while:	
			2. recognising the functional <u>need</u> or operational need of Regionally Significant Infrastructure, <u>Lifeline Utilities</u> and other infrastructure activities, and having regard to:	
			a. the extent to which adverse effects have been addressed through site, route or method selection; and	
			b. the need to quickly repair and restore disrupted services; and	
			c. the impact of not operating, repairing, maintaining, replacing, upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and	
			d. the time, duration or frequency of adverse effects; and	
			e. their location, including:	
			i. the complexity and connectedness of the networks and services;	
			ii. the potential for co-location and shared use of infrastructure corridors; and	
			iii. the extent to which there are feasible alternative sites, routes or methods available; and	
			f. for renewable energy generation, the need to locate where the natural resources occur.; and	
			3. where due to functional needs or operational needs, RSI and other infrastructure must be located in the environments identified in EI-P2.1.a, apply the following effects management hierarchy:	
			a adverse effects are avoided where practicable; and	
			b. where adverse effects cannot be avoided, they are minimised where practicable; and	
			c. where adverse effects cannot be minimised, they are remedied where practicable; and	
			d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; and	
			e. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and	
			f. if compensation is not appropriate, the activity itself must be avoided in the environments identified in EI-P2.1.a.	
EI-P3	196.24	Amend EI-P3 as follows:	Accept. Amend EI-P3 as follows:	Support





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		1. 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 []	EI-P3 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities  1. 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			
			2. Recognise and provide for the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid by:			
			a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and <u>avoiding incompatible activities</u> <u>subdivision</u> , <u>use and development</u> that <u>may are likely to compromise the operation</u> , maintenance, repair, upgrading, <u>renewal replacement</u> , or development of the National Grid; and			
			b. providing security of supply and/or maintaining the integrity of National Grid assets; and			
			c. maintaining ongoing access to conductors and support structures for maintenance and upgrading works; and			
			d. minimising exposure to health and safety risks from the National Grid; and			
			e. managing activities, as far as reasonably practicable, to avoid the potential for reverse sensitivity effects on the National Grid.			
EI-R1	196.25	Retain EI-R1 as notified.	Accept in part. <b>Amend</b> EI-R1 as follows:	Support		
			El-R1 Operation. Memaintenance and repair, or removal of infrastructure not otherwise addressed by another rule in this chapter			
EI-R2	196.26	Retain EI-R2 as notified, but notes the inconsistency between this rule and EI-R3.	Reject. <b>Delete</b> EI-R2.	Support		
EI-R3	196.27	Retain EI-R3 as notified, but notes the inconsistency between this rule and EI-R2.	Accept in part. Amend EI-R3 as follows:	Support		
			EI-R3 New <u>and upgrading existing</u> underground infrastructure (including customer connections) not otherwise addressed by another rule in this chapter			
EI-R4	196.28	Retain EI-R4 as notified.	Accept.	Support		
EI-S1	196.29	Retain EI-S1 as notified.	Accept in part.	Support		
EI-S2.1	196.30	Retain El-S2.1 as notified.	Accept.	Support		
SW - Stormwater Management						





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Introduction	196.31	Retain the chapter introduction as notified.	Accept in part.	Support
SW-P1	196.32	Retain SW-P1 as notified.	Accept.	Support
SW-P2	196.33	Amend SW-P2 as follows:  Maintain and enhance stormwater quality by requiring:  1. restrictions on specified cladding materials that contribute to stormwater contamination; and  2. consider the need for the treatment of stormwater quality for new or increased impervious surfaces created by subdivision, use or development.  Support the policy 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.	Accept in part. Amend SW-P2 as follows:  SW-P2 Water quality  Maintain and or enhance stormwater quality by requiring:  1. restrictions on specified cladding materials that contribute to stormwater contamination; and  2. the treatment of stormwater quality, if required, for new or increased impervious surfaces trafficked hardstand areas created by subdivision, use or development.	Support
SW-P3	196.34	Retain SW-P3 as notified.	Accept.	Support
SW-R3	196.35	<ol> <li>Confirm that the SW-R3 relates to new car parking areas and not redevelopment or enlargement (by less than the 500m² threshold) of existing car parks; OR</li> <li>Amend SW-R3 so that the threshold for applicability of the rule is based on the number of car parks.</li> <li>Supports this rule providing it relates to new car parks as opposed to alterations to existing or redevelopment of existing car parking / impervious areas. If this assumption is not correct, management of stormwater from higher contaminant generating car parking areas would be better reflected by a car parking number threshold.</li> </ol>	Accept. Amend SW-R3 as per the s 42A report, including:  SW-R3 Non-residential activities that include new 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	Support
SW-R4	196.36	<ul> <li>Retain SW-R4 as notified subject to clarification that the submitter's assumption is correct; AND</li> <li>Amend matter of discretion (3) as follows:</li> <li>3. the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and</li> <li>The submitter assumes that the rule means:</li> <li>If a resource consent is obtained from the regional council for a stormwater discharge, then focus and interest of TDC's acceptance of the stormwater discharge to the network is narrowed to matters of carrying capacity and quantity. In particular, that the requirements of this rule (specifically SW-S4) are not</li> </ul>	Accept. Amend SW-R4 as per the s 42A report, including:  SW-R4 All developments, other than a road, 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  []  Activity status: Permitted  Where:	Support, but there are drafting errors in the Reporting Officer's recommended version (refer to hearing statement)





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		considered (or relevant) in the network operator's consideration of the SWD approval application to council; and  If the stormwater discharge is a permitted activity in the relevant regional plan, SW-R4 is applicable.  If the above assumption is correct, the submitter supports PER-1.  Regarding PER-2, the Submitter 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 Submitter seek to ensure that the role of industry good practice is recognised (in the case of the Submitter that is provided by the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in NZ (MFE, 1998)).	PER-1  All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring properties; and  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; and  PER-3  1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network; or  2. the stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.  []  Matters of discretion are restricted to:  []  3. the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and  []	
SW-R5	196.37	<ul> <li>Retain SW-R5 as notified subject to clarification that the submitter's assumption is correct; AND</li> <li>Amend matter of discretion (3) as follows:</li> <li>3. the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and</li> <li>The submitter assumes that the rule means:</li> <li>If a resource consent is obtained from the regional council for a stormwater discharge, then focus and interest of TDC's acceptance of the stormwater discharge to the network is narrowed 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; and</li> <li>If the stormwater discharge is a permitted activity in the relevant regional plan, SW-R4 is applicable.</li> <li>If the above assumption is correct, the submitter supports PER-1.</li> <li>Regarding PER-2, the Submitter 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</li> </ul>	Accept. Amend SW-R5 as per the s 42A report, including:  SW-R5 All developments, other than a road, that result in an increase in impervious surfaces of greater than 50m², excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan  []  Activity status: Permitted  Where:  PER-1  All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring properties; and  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; and	Support, but there are drafting errors in the Reporting Officer's recommended version (refer to hearing statement)





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		Submitter seek to ensure that the role of industry good practice is recognised (in the	PER-3	
			1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SWS4 that allows entry of the stormwater into the reticulated stormwater network; or	
			2. the stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.	
			Matters of discretion are restricted to:	
			[]	
			3. the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and	
			[]	
SW-S4	196.38	<ul> <li>Delete SW-S4; AND</li> <li>Replace with an appropriate risk-based standard that requires treatment where</li> </ul>	Accept in part.	Support
		Consider the required percentage reductions of contaminants in Standard SW-S4 will not be achievable where stormwater is low in particular contaminants to begin with. An approach, recognised the MfE Guidelines as good practice, would be supported as an alternative.	Amend SW-P2 as follows:	
			SW-P2 Water quality	
			Maintain and or enhance stormwater quality by requiring:	
			1. restrictions on specified cladding materials that contribute to stormwater contamination; and	
			2. the treatment of stormwater quality, if required, for new or increased impervious surfaces trafficked hardstand areas created by subdivision, use or development.	
			Amend SW-R7 per the s 42A report, including:	
			SW-R7 The installation of any copper, galvanised metal, unpainted zincalume or any other unpainted metal, used in roof material, gutters, downpipes or external sheet cladding of buildings or structures but excluding fixings and flashings	
			[]	
			Amend SW-S4 per the s 42a report, including:	
			SW-S43 Stormwater quality permission requirements	
			[]	
			1. The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw to connect to the Public reticulated stormwater network following certification of a treatment system designed to improve contaminate levels of gross pollutants, total suspended solids and hydrocarbons discharged by activities increasing trafficked hardstand impervious areas greater than 30m² and less than 150m².	
			2. The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw permission to connect to the Council's Public reticulated stormwater network if the minimum standards identified in Table 7 below are met for activities additional	





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			<u>trafficked hardstand impervious areas</u> exceeding the impervious surface threshold in the identified zones.					
			Table 7 – Minimum Treatment Containment Removal Rates					
				All Commercial and mixed-use zones	General industrial zone and Port zone	Open space and recreation zones, Māori Purpose zone, Rural lifestyle zone, Settlement zone and Residential zones	Roads	
			Impervious surface threshold	<del>50</del> <u>150</u> m²	<del>50</del> <u>150</u> m²	<del>30</del> <u>150</u> m²		
			[]					
TRAN - Transport								
TRAN-O1	196.39	Retain TRAN-O1 as notified.	Accept in part. Ar	mend TRAN-O1 as	follows:			Support
			TRAN-01 Safe, o	efficient, integrate	<del>d and sustainab</del> l	e-I <u>L</u> and transpor	t infrastructure	
			Land transport inf emissions and wh		vell-connected, int	egrated and acces	sible, supports low	
			1. is safe, efficien	nt and <del>sustainable</del> <u>e</u>	effective for all trar	sport modes;		
			2. meets and is growth;	responsive to curr	rent and future ne	eds, including pr	ojected population	
			3. aligns and integ	grates with the timi	ng and location of	urban developme	nt;	
				i-modal transport o duces dependency			ansport and public	
			5. supports cons urban <del>areas</del> <u>locat</u>		gned and sustain	able growth in ar	nd around existing	
			6. encourages su	stainable economic	c development; an	d		
			7. provides parkii avoid adverse eff	ng opportunities in ects on the environ	an efficient, functi nment.	onal and sustaina	ble manner and to	
New policy	196.40	Insert new policy TRAN-PX as follows:	Accept in part. Insert TRAN-P10 as follows:				Support	





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		TRAN-PX Encourage existing and new land uses to support an integrated and sustainable transport network by:  a. Enabling charging stations for electric vehicles.	TRAN-P10 EV charging facilities  Encourage existing and new land uses to support an integrated and sustainable transport network by enabling charging stations for electric vehicles.	
TRAN-R9	196.41	Amend TRAN-R9 as follows:  TRAN-R9 Installation of new or replacement charging facilities for electric vehicles []  Note: any activity under TRAN-R9 does not have to comply with underlying zone rules/standards.	Accept in part. No recommended amendment to TRAN-R9 as the recommended amendment to the Rules note provides alternative relief that satisfies the submitter's concern, as follows:  **Note:**  **Activities not listed in the rules of this chapter are classified as a permitted under this chapter. Rules TRAN-R1 to TRAN-R11 in this chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters. Unless otherwise specified in this chapter, the provisions of the Development Area chapter, Designation Chapter and chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in the TRAN Chapter and therefore resource consent may be required by these chapters. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.	Support
TRAN-S20	196.42	Amend Table 21 of TRAN-20 as follows:  New Service Stations - []	Accept in part. No recommended amendment per the submission as the recommended amendment to TRAN-R10 provides alternative relief that satisfies the submitter's concern, as follows:  **TRAN-R10 High trip generation activities**  []  **RDIS-1**  Any new or additional use or development which generates vehicle trips that meet or exceed the thresholds in TRAN-S20.  []	Support

