

**FURTHER SUBMISSION ON PROPOSED TE TAI O POUTINI PLAN
PURSUANT TO CLAUSE 8 OF THE FIRST SCHEDULE
OF THE RESOURCE MANAGEMENT ACT 1991**

To: Te Tai o Poutini Plan Committee
Westland District Council
Grey District Council
Buller District Council

Via email: info@tppp.nz

Submitter: bp Oil New Zealand Limited
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Auckland 1149

Mobil Oil New Zealand Limited
PO Box 1709
Auckland 1140

Z Energy Limited
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Hereafter referred to as the Fuel Companies

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Auckland 1010

Attention: Phil Brown
Phone: 027 467 1566
Email: philipb@4sight.co.nz

The Fuel Companies were a submitter (submitter number: 613) and their further submissions are as contained in the attached Table

- 1. The Fuel Companies' interest in the proposed plan is greater than the interest of the general public.**
- 2. The Fuel Companies do wish to be heard in support of these further submissions.**
- 3. 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 Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited

A handwritten signature in black ink, appearing to read 'Phil Brown', with a stylized, cursive script.

Phil Brown
Senior Planner
8 June 2022

**FURTHER SUBMISSION ON BEHALF OF THE FUEL COMPANIES
ON SUBMISSIONS TO THE PROPOSED TE TAI O POUTINI PLAN**

Name of person/group making original submission	Original submission number	Provision	Relief sought by submitter (additions in underline, deletions in strike through)	Position of further submitter	Reason for position and relief sought
Part 3 – Area Specific Matters/Zone/Residential Zones/General Residential Zone					
Grey District Council (S608)	S608.020	SASM - P11	<p>Delete all wording after "sites".</p> <p>Policy to read:</p> <p><i>Recognise the significance to Poutini Ngāi Tahu of the sites and areas of significance to Māori listed in Schedule Three and protect the identified values of these sites. by avoiding the following activities in, or in close proximity to, these areas;</i></p> <p><i>1. Mining and quarrying other than Poutini Ngāi Tahu collection of Pounamu and Aotea;</i> <i>2. Landfills and waste disposal facilities, hazardous facilities and offensive industries;</i> <i>3. Intensive indoor primary production;</i> <i>4. Cemeteries and crematoria; and</i> <i>5. Wastewater treatment plants and disposal facilities</i></p>	Support	Setting an ‘avoidance’ policy threshold for activities in or in close proximity to sites and areas of significance to Māori risks invertedly prohibiting a wide range of activities, irrespective of risk. It is more appropriate to assess activities on a case by case basis. The Fuel Companies support the deletion of all wording after ‘sites’ in proposed Policy SASM - P11.
Horticulture New Zealand (S486)	S486.027	SASM-R17	Amend SASM-R17 as follows:	Support	The Hazardous Substance chapter refers specifically to <i>major hazard facilities</i> in relation to cultural overlay areas, and the relevant proposed policies are as follows:
Federated Farmers of New Zealand (S524)	S524.057	SASM-R17	<p><i>SASM - R17</i></p> <p><i>Landfills, waste disposal facilities, new crematoria, <u>major hazardous facilities</u>, intensive</i></p>		

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			<p><i>indoor primary production, wastewater treatment plants and wastewater disposal facilities, on or within 50m of sites and areas in Schedule Three - Sites and Areas of Significance to Māori</i></p> <p><i>Activity Status Non-complying</i></p> <p><i>Where:</i> <i>1. This occurs in any RURZ – Rural Zone, ORSZ – Open Space and Recreation Zone, SPZ – Special Zone or INZ – Industrial Zone.</i></p> <p><i>Notification: Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.</i></p> <p><i>Activity status where compliance not achieved: N/A</i></p> <p><i>Advice Note: Where these activities are proposed in RESZ – Residential Zones and COMZ – Commercial and Mixed Use Zones they are not regulated by this rule. Refer relevant zone rules for the status of these activities in these areas.</i></p>		<ul style="list-style-type: none"> • <i>Ensure that new or expanded major hazard facilities are located away from....cultural overlay areas (HS – P2) and,</i> • <i>Provide for the establishment and expansion of major hazard facilities.....where adequate separation distances are maintained from....cultural and historic heritage values (HS – P3)</i> <p>To ensure consistency with the Hazardous Substances chapter provisions which refer specifically to 'major hazard facilities' in relation to sites of cultural significance, the Fuel Companies support replacing the term 'hazardous facilities' with 'major hazard facilities' in Rule SASM – R17.</p>
Te Tai o Poutini Plan Committee (S171)	S171.011	Definitions	Insert a definition of 'hazardous facility' that excludes service stations and domestic/farm scale storage of hazardous substances such as agrichemicals.	Support	The Fuel Companies support the insertion of a definition of 'hazardous facility' that excludes service stations and domestic/farm scale storage of hazardous substances, and assume that

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					truck stops fall under the category of service stations.
Buller District Council (S538)	S538.443	GIZ - R1	<p>Clause 8 deals with contaminated stormwater run-off and water quality which are Regional Council responsibilities. Council seeks removal of this clause.</p> <p>8. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality; and</p>	Support	<p>While the Fuel Companies support ensuring an acceptable quality of stormwater discharge, this is a function of regional authorities (per s30 of the RMA). The function of territorial authorities relates to actual or potential effects of activities in relation to the surface of water in rivers and lakes (per s31(1)(e) of the RMA)). The West Coast Regional Land and Water Plan is the appropriate plan to control stormwater discharges.</p> <p>However, should Council deem it necessary to control stormwater quality, the Fuel Companies would expect that such necessity would be clearly justified through an assessment addressing how and why such control is required to perform the territorial authority functions under the RMA. And, if so, the Fuel Companies agree that Rule GIZ – R1 (8) needs to further clarify the reference to contaminated stormwater and treatment methods, as the current wording is unclear and will lead to uncertainties.</p>

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Buller District Council (S538)	S538.458	LIZ - R1	<p>Clause 8 deals with contaminated stormwater run-off and water quality which are Regional Council responsibilities. Council seeks removal of this clause.</p> <p>8. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality; and</p>	Support	<p>While the Fuel Companies support ensuring an acceptable quality of discharge, this is a function of regional authorities (per s30 of the RMA). The function of territorial authorities relates to actual or potential effects of activities in relation to the surface of water in rivers and lakes (per s31(1)(e) of the RMA)). The West Coast Regional Land and Water Plan is the appropriate plan to control stormwater discharges.</p> <p>However, should Council deem it necessary to control stormwater quality, the Fuel Companies would expect that such necessity would be clearly justified through an assessment addressing how and why such control is required to perform the territorial authority functions under the RMA. And, if so, the Fuel Companies agree that Rule LIZ – R1 (8) needs to further clarify the reference to contaminated stormwater and treatment methods, as the current wording is unclear and will lead to uncertainties.</p>
Buller District Council (S538)	S538.088	Appendix One: Transport Performance	Table TRN 6 - Council considers that the threshold table for high trip generating activities is excessive for some activities and there are concerns that this could result in traffic	Support	The Fuel Companies support the proposed changes to the trip generation thresholds to relate to gross floor area,

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		Standards Table TRN 6	generation that may comprise the safe and efficient operation of the transport network if not managed accordingly. Council's preference is that the specified activities are scaled back and that the threshold limit of 60 vehicle movements per day is used as this is what is in the current BDP and has proven a reliable trigger limit.		<p>rather than filling pumps at service stations.</p> <p>Service stations do not generate a significant number of new trips, as almost all trips to a service station are by vehicles already on the road network. Service stations are not destinations, rather, they are sites used by vehicles on their way to a different destination.</p> <p>This change needs to be supported by a clearly worded rule (TRN-R12) which clarifies that the thresholds are only applicable to new or expanded service stations (that increase the GFA), and not to additions, alterations, and maintenance activities where there will be no material change in vehicle movements.</p>

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			<p>Table TRN 6 – Amend the table as follows:</p> <p>High Trip Generation Activities</p> <table border="1" data-bbox="853 379 1375 1046"> <thead> <tr> <th data-bbox="860 384 1115 405">Activity</th> <th data-bbox="1122 384 1368 405">Qualifier</th> </tr> </thead> <tbody> <tr> <td data-bbox="860 410 1115 485">Childcare including preschool, kindergarten and play centre</td> <td data-bbox="1122 410 1368 430">25 Children</td> </tr> <tr> <td data-bbox="860 489 1115 510">Education – Schools</td> <td data-bbox="1122 489 1368 510">30 students</td> </tr> <tr> <td data-bbox="860 515 1115 536">Education – Tertiary</td> <td data-bbox="1122 515 1368 536">150 FTE students</td> </tr> <tr> <td data-bbox="860 541 1115 592">Industrial</td> <td data-bbox="1122 541 1368 592">5,000 500m2 gross floor area</td> </tr> <tr> <td data-bbox="860 596 1115 647">Mining and Quarrying</td> <td data-bbox="1122 596 1368 647">>30 heavy vehicle movements per day</td> </tr> <tr> <td data-bbox="860 652 1115 703">Warehousing and distribution</td> <td data-bbox="1122 652 1368 673">6,500m2 gross floor area</td> </tr> <tr> <td data-bbox="860 708 1115 729">Healthcare</td> <td data-bbox="1122 708 1368 729">300m2 gross floor area</td> </tr> <tr> <td data-bbox="860 734 1115 754">Office</td> <td data-bbox="1122 734 1368 754">2,000m2 gross floor area</td> </tr> <tr> <td data-bbox="860 759 1115 780">Residential</td> <td data-bbox="1122 759 1368 780">20 residential sites/units</td> </tr> <tr> <td data-bbox="860 785 1115 836">Retail – shops and supermarkets</td> <td data-bbox="1122 785 1368 805">250m2 gross floor area</td> </tr> <tr> <td data-bbox="860 841 1115 892">Retail – large format and bulk goods</td> <td data-bbox="1122 841 1368 861">500m2 gross floor area</td> </tr> <tr> <td data-bbox="860 896 1115 917">Service Stations</td> <td data-bbox="1122 896 1368 917">2 filling pumps</td> </tr> <tr> <td data-bbox="860 922 1115 973">Mixed use or other activities not otherwise listed in this Table</td> <td data-bbox="1122 922 1368 973">60 vehicle movements per day</td> </tr> <tr> <td data-bbox="860 994 1115 1015">Commercial</td> <td data-bbox="1122 994 1368 1015">200m2 gross floor area</td> </tr> </tbody> </table> <p><u>1 car trip (to or from the property) = 2 equivalent car movements</u> <u>1 truck trip (to or from the property) = 6 equivalent car movements</u> <u>1 truck and trailer trip (to or form the property) = 10 equivalent car movements</u></p>	Activity	Qualifier	Childcare including preschool, kindergarten and play centre	25 Children	Education – Schools	30 students	Education – Tertiary	150 FTE students	Industrial	5,000 500m2 gross floor area	Mining and Quarrying	>30 heavy vehicle movements per day	Warehousing and distribution	6,500m2 gross floor area	Healthcare	300m2 gross floor area	Office	2,000m2 gross floor area	Residential	20 residential sites/units	Retail – shops and supermarkets	250m2 gross floor area	Retail – large format and bulk goods	500m2 gross floor area	Service Stations	2 filling pumps	Mixed use or other activities not otherwise listed in this Table	60 vehicle movements per day	Commercial	200m2 gross floor area		
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Buller District Council (S538)	S538.084	TRN-R12	Council considers Rule 12 is confusing given it does not explicitly state that it covers high trip	Support	The Fuel Companies support the proposed amendments to Rule TRN-R12,																														

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			<p>generating activities that exceed the thresholds in Table TRN 6.</p> <p>Clause 1 also requires compliance with Standard TRN S14 which includes assessment requirements rather than explicit standards which Council can assess an activity against. Council seeks that Rule 12 is amended to provide clarity on when the rule applies and that the matters of discretion include the Standard TRN S14 requirements, but in a summarised form.</p> <p>With these amendments, there would be no need for another tier of activity status and the reference to Discretionary activities where compliance with the rule is not achieved.</p> <p>Amend Rule 12 as follows:</p> <p><i>Activity Status Restricted Discretionary</i></p> <p><i>Where:</i></p> <p><i>1. This is the establishment of a new activity or the expansion of an existing activity <u>that exceeds the thresholds</u> listed in Table TRN 6 that complies with Standard TRN S14.</i></p> <p>...</p>		<p>to clarify that the Rule only applies to new or expanded activities that exceed the trip generation thresholds, and to remove the requirement to comply with TRN S14 given that this is an assessment matter rather than a standard.</p> <p>The relief sought by BDC will ensure that the thresholds are only applicable to new or expanded service stations (that increase the GFA), and not to replacement, redevelopment, additions, alterations, and maintenance activities where there will be no material change in vehicle movements.</p>