

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

To: **Chief Executive**
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Via email only: developmentplanning@wmk.govt.nz

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Hereafter referred to as the Fuel Companies

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The Fuel Companies were a submitter (submitter number: 276) 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



Jarrold Dixon
Senior Planner
21 November 2022

FURTHER SUBMISSIONS ON BEHALF OF THE FUEL COMPANIES ON SUBMISSIONS TO THE PROPOSED WAIMAKARIRI DISTRICT PLAN

Name of person/group making original submission	Original submission number	Provision	Relief sought by submitter(s) (additions in underline, deletions in strike through)	Position of further submitter(s)	Reason for position and relief sought
Te whakamāramatanga – Interpretation – Definitions					
Main Power New Zealand Limited	249.8	Critical Infrastructure, Regionally Significant Infrastructure and Strategic Infrastructure	<p>Replace the definitions of 'critical infrastructure', 'regionally significant infrastructure', and 'strategic infrastructure' with a new definition 'important infrastructure'.</p> <p><u>Important Infrastructure</u> <u>Those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Canterbury, or Waimakariri.</u> <u>This may include but are not limited to:</u></p> <p><u>a. Strategic transport network</u> <u>b. Christchurch International Airport</u> <u>c. Telecommunication networks</u> <u>d. National, regional and local electricity generation activities undertaken by a Electricity Operator as defined by the Electricity Act 1992</u> <u>e. Electricity distribution networks</u> <u>f. Electricity transmission networks</u> <u>g. Public and community wastewater collection, treatment and disposal networks</u></p>	Oppose	<p>The S32 evaluation acknowledges the 'noticeable overlap'¹ of the terms/activities listed in the three proposed definitions which is also acknowledged in the introduction section of EI – Energy and Infrastructure. As a result, the notified objectives, policies and rules of Chapter EI – Energy and Infrastructure have been intentionally drafted to avoid any potential confusion or conflict.</p> <p>The Fuel Companies support the three proposed definitions as notified noting that they are consistent with the definitions contained in the Canterbury Regional Policy Statement (CRPS).</p> <p>Relief: Retain the definitions as notified</p>

¹ Page 6 – Section 32 Report: Pūngao me te hanganga hapori/Energy and Infrastructure

			<u>h. Public and community land drainage infrastructure</u> <u>i. Public and community stormwater infrastructure</u> <u>j. Public and community potable water and fire fighting supply systems infrastructure</u> <u>k. Public and community-scale irrigation and stockwater infrastructure</u> <u>l. Gas storage and distribution infrastructure</u> <u>m. Bulk fuel supply infrastructure including terminals, and pipelines</u> <u>n. Ports including inland ports</u> <u>o. New Zealand Defence Force facilities</u> <u>p. Emergency Services facilities</u> <u>q. Public healthcare institutions</u>		
Christchurch International Airport Limited	254.12	Reverse Sensitivity	<p>Amend definition of 'reverse sensitivity':</p> <p><i>means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment, <u>intensification</u> or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity.</i></p>	Support	The Fuel Companies support the proposed amendment which acknowledges that reverse sensitivity effects can occur or be exacerbated from the intensification of existing activities (e.g. residential activities).
CL – Whenua paitini – Contaminated Land					
Kāinga Ora – Homes and Communities	325.93	CL – Introduction	<p>Amend the introduction of the Contaminated Land Chapter:</p> <p><i>Sites are identified as contaminated when land has a hazardous substance in or on it that may</i></p>	Support	The proposed amendment seeks to narrow the focus of effects to those relating to 'human health' which better aligns with intent and rule framework of the NES:CS. The Fuel Companies support this amendment with broader

			<i>have significant adverse effects on human health or the environment. ...</i>		environmental effects more appropriately managed through the regional framework.
Kāinga Ora – Homes and Communities	325.94	CL-O1	Amend CL-O1: <i>The subdivision, use and development of contaminated land does not have <u>significant adverse effects on human health</u> adversely affect people, property, and the environment.</i>	Support in part	The Fuel Companies support limiting the scope of effects to human health for reasons previously stated. Notwithstanding, the Fuel Companies consider that CL-O1 should seek to ‘manage’ effects on human health rather than avoid significant adverse effects, the former being better aligned with intent of the NES:CS.
Kāinga Ora – Homes and Communities	325.95	CL-O2 (New objective)	Insert new objective: <i><u>CL-O2 Positive benefits from treatment and remediation of contaminated land</u></i> <i><u>Remediation of contaminated land contributes to the health and wellbeing of communities, including increased availability of land for housing and business activities.</u></i>	Neutral	The proposed objective does not clearly align with the intent or rule framework of the NES:CS framework which seeks to manage effects on human health rather than recognise potential positive outcomes associated with remediation. The Fuel Companies acknowledge that positive benefits can and should be encouraged through the remediation of contaminated land but consider that the proposed objective may create a tension between the two frameworks with more analysis needed under S32.
Canterbury Regional Council	316.44	CL-P1	Broaden scope of CL-P1 so consideration can also be given to sites not listed on the Listed Land Use Register but which are known to be contaminated	Oppose	The notified policy seeks to identify sites containing contaminated land by using the Listed Land Use Register (LLUR) ‘ <u>and</u> ’ coordinating with the Regional Council

			or have had activities onsite warranting investigation.		<p>to enable the recording, and management, of contaminated land.</p> <p>The Fuel Companies consider that the notified policy provides clear direction and sufficient scope to utilise other methods of identifying and recording contaminated land that is not strictly restricted to the use of the LLUR.</p> <p>In the absence of any specific relief proposed by the submitter, it is not possible to understand what a broadened scope will look like and any possible implications.</p> <p>Relief: retain policy CL-P1 as notified.</p>
Canterbury Regional Council	316.48	Policy (new)	Add a policy to discourage the creation of new contaminated land.	Oppose	<p>The Fuel Companies acknowledge that the 'creation' of new contaminated land is not desirable but is unavoidable as accidents, including leaks, and spills infrequently occur on sites that use and store hazardous substances, despite best intentions and adherence to best practice industry regulations.</p> <p>The Fuel Companies oppose any new policy that discourages the creation of new contaminated land as it may inadvertently discourage the establishment, expansion or ongoing operation of HAIL activities that provide essential resources to the district but are</p>

					more susceptible to creating contaminated land compared to other activities.
Kāinga Ora – Homes and Communities	329.97	CL-P2	<p>Amend CL-P2:</p> <p><i>Require applications for subdivision, <u>change of use or development of contaminated land</u>, or potentially contaminated land, to include an investigation of <u>investigate</u> the risks and to remediate the contamination, or manage activities on contaminated land, to protect human health. the health of people and the environment. The remediation or mitigation works for contaminated land shall be undertaken in such a way to not pose further risk to human health or the environment than if remediation had not occurred.</i></p>	Support in part	For reasons previously stated, the Fuel Companies support limiting the scope of effects, relevant at the policy level, to those associated with human health but consider the relief offered in the Fuel Companies' submission more appropriately reflects that remediation is just one option of managing effects of contaminated land which better aligns with the intent of the NES:CS.
Kāinga Ora – Homes and Communities	325.99	CL-P4	<p>Amend CL-P4:</p> <p><i>Avoid adverse effects on <u>human health</u> the health of people and the environment from the disposal of soil from contaminated land.</i></p>	Support in part	<p>The Fuel Companies oppose CL-P4 as its intent is effectively captured by CL-P2 which seeks to apply good environmental practices to effectively manage risk and effects associated with contaminated land.</p> <p>Notwithstanding and for reasons previously stated, the Fuel Companies support the proposed amendment.</p>
EW – Ketuketu whenua – Earthworks					
MainPower New Zealand Limited	249.25	Rule (new)	<p>Insert new rule:</p> <p><i><u>EW-RX Earthworks subject to a Building Consent</u></i></p>	Neutral	The Fuel Companies do not oppose the proposed rule but seek clarity on the nature and scale of activities it seeks to

			<p><u>All Zones Activity status: PER</u></p> <p>1. <u>Earthworks that are or will be subject to a building consent.</u></p> <p><u>Where:</u></p> <p><u>a. It occurs within 2m of the outer edge of the exterior wall of the building.</u></p> <p><u>Activity status when compliance not achieved: Refer to activity rules to determine activity status and matters of discretion.</u></p>		<p>permit and the associated level of effects. The proposed rule could potentially apply to occupiable buildings, retaining walls and any other building that meets the definition of a ‘building²’ under the proposed DP and which requires building consent.</p>
<p>Kāinga Ora – Homes and Communities</p> <p>Summerset Retirement Villages (Rangiora) Ltd</p> <p>Ravenswood Developments Limited</p>	<p>325.140</p> <p>207.20</p> <p>347.15</p>	EW-S2	Delete EW-S2	Support	<p>The Fuel Companies support the removal of standard EW-S2 as its inclusion is not clearly justified in the S32 evaluation with the main focus relating to setbacks from waterbodies and riparian areas rather than site boundaries.</p> <p>As an alternative and as per their submission, the Fuel Companies consider that a new rule for earthworks associated with the operation, maintenance, removal or replacement of</p>

² **Building** - means a temporary or permanent movable or immovable physical construction that is:

- a. partially or fully roofed; and
- b. is fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power

					existing underground assets is appropriate where the ground profile is not permanently altered and where temporary effects can be suitably managed and mitigated.
Canterbury Regional Council	316.158	EW-R5	Change the applicability of EW-R5 from the overland flow paths to the flood assessment overlays, amend the rule to capture all activities that have the potential to cause offsite effects, only permit activities where there will be no effects, and only require resource consent in situations where there will be effects.	Oppose	<p>The focus of the S32 evaluation relates to the potential flooding effects generated by earthworks within overland flowpaths and does not extend to all earthworks within the flood assessment overlays (Urban Flood Assessment Overlay and Non-urban Flood Assessment Overlay).</p> <p>The proposed change to broaden the rule's applicability to all earthworks in the flood assessment overlays would need to be justified through a robust S32 analysis to determine its appropriateness, particularly given the overlays apply to a significant portion of the district and would have implications for almost all earthworks activities.</p> <p>The Fuel Companies consider that EW-R5 has been specifically included to only restrict earthworks in overland flow paths where it has been determined that earthworks and the associated effects in the flood assessment overlays can be appropriately enabled.</p>