

18 December 2024

SLR Ref No.: Fuel Companies Submission on PC1 to Dunedin 2GP_v1.0

Dunedin City Council
PO Box 5045
Dunedin 9054

By email: districtplansubmissions@dcc.govt.nz

SLR Project No.: 810.031282.00001

RE: Submission on Plan Change 1 to the Partially Operative Second Generation Dunedin City District Plan 2024 (2GP) Pursuant to Clause 6 of the First Schedule of the Resource Management Act 1991

Submitter:

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Hereafter referred to as the **Fuel Companies**

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¹ On behalf of the wider Z group, including the Z Energy and Caltex operations in New Zealand.

Introduction

- 1 bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) receive, store and distribute refined petroleum products around New Zealand. In Dunedin, the Fuel Companies' core business is the operation and management of their individual service station and truck stop networks, commercial facilities and bulk storage (terminal) facilities, as well as associated pipelines supplying petroleum products to these terminals.
- 2 The existing retail fuel activities in Dunedin include the storage and use of hazardous substances (typically petrol, diesel, and LPG), the refuelling of vehicles, and often other vehicle services (air pump, car wash, etc.), and retail activities. Fuel deliveries are undertaken via tankers which occur infrequently but often without restriction in terms of frequency or times. All sites have established vehicle crossings for access and exit, buildings, and signage (often illuminated). Pump stations are located within forecourts (covered or uncovered) with associated lighting. Hours of operation vary and are not infrequently 24/7. These sites are required to comply with permitted noise limits of the district plan or limits otherwise included as conditions in an approved land use consent. The Fuel Companies' sites operate in accordance with Emergency Management Plans detailing procedures in case of emergency, including spills of hazardous substances.
- 3 Dunedin City Council (*the Council*) has now publicly notified proposed Plan Change 1 (**PC1**) to the Partially Operative Second Generation Dunedin City District Plan 2024 (**2GP**), pursuant to Clause 5 of the First Schedule of the Resource Management Act 1991 (**RMA**). PC1 proposes a number of minor improvements to the 2GP to improve its efficiency and effectiveness.
- 4 The Fuel Companies generally support PC1 and the intent of the provisions. However, some amendments are sought to ensure that the provisions can be clearly understood and interpreted.

The specific provisions of PC1 that the Fuel Companies' submission relates to are summarised as follows:

- 5 The specific provisions submitted on, the rationale for the Fuel Companies' submission on each of these matters, and the relief sought is contained in the attached **Schedule A**. The Fuel Companies support alternative relief that achieves the same outcomes.
- 6 In addition to the specific outcomes and relief sought, the following general relief is sought:
 - a) To achieve the following:
 - i. The purpose and principles of the *Resource Management Act 1991* (**RMA**) and consistency with the relevant provisions in Sections 6 – 8 RMA.
 - ii. Give effect to the Otago Regional Policy Statement.
 - iii. Avoid duplication within the Otago Regional Plans or other legislation.
 - iv. Assist the Council to carry out its functions under Section 31 of the RMA.
 - v. Meet the requirements of the statutory tests in Section 32 of the RMA.
 - vi. Avoid, remedy or mitigate any relevant and identified environmental effects.
 - b) To make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of



the plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document.

- c) To make any other relief required to give effect to the issues raised in this submission.

7 The Fuel Companies wish to be heard in support of this submission.

- 8 If others make similar submissions the Fuel Companies may be prepared to consider presenting a joint case with them at any hearing.
- 9 The Fuel Companies could not gain an advantage in trade competition through this submission.
- 10 The Fuel Companies are directly affected by an effect of the subject matter of that submission that:
 - a) Adversely affects the environment; and
 - b) Does not relate to trade competition or the effects of trade competition.

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

Regards,

SLR Consulting New Zealand



Phil Brown

Associate Planner

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Attachments Schedule A



Schedule A

Table 1: Fuel Companies submission and relief to Plan Change 1 to the Second Generation Dunedin City District Plan (2GP)

Where changes are sought within the table, additions are in red underline, and deletions are in ~~red strikethrough~~.

Change ID	Provision	Position	Reason	Relief Sought
{Change D16}	Definition of Bulk Fuel Storage Facilities Sensitive Activities	Support	<p>The Fuel Companies support adding 'healthcare' to activities listed in the definition of Bulk Fuel Storage Facilities Sensitive Activities.</p> <p>Healthcare is understood to fall under activities already listed in the 2GP definition of Bulk Fuel Storage Facilities Sensitive Activities, including major facility activities, residential, and visitor accommodation. Specifically listing 'healthcare' in the definition (consistent with the new definition for 'healthcare' that is to be added) is a helpful clarification and recognises that it is an activity that is at heightened risk from hazards associated with bulk fuel storage facilities.</p>	Retain as notified.
{Change Earth1}	Definition of Construction and Site Investigation	Support in part	<p>The Fuel Companies support amending the existing definition of 'construction' in order to provide a framework to manage site investigation activities, including associated earthworks and piles for building foundations. However, for improved clarification the definition should specify that ground must be reinstated within 48 hours of the completion of the site investigation.</p>	<p>Amend the definition as follows:</p> <p><i>Construction and Site Investigation</i> <i>The use or storage of plant, tools, gear, materials or relocatable site offices either on-site or off-site as part of one or more of the following: site investigation (including test piles or boreholes for the purpose of geotechnical, contamination, underground water, or hazard assessments); the erection, installation, repair, maintenance, alteration, dismantling or demolition of any</i></p>



Change ID	Provision	Position	Reason	Relief Sought
				<p><i>building or structure; or site development. This definition includes all work from site investigation to site restoration, including the driving of piles for building foundations. It also includes any earthworks as part of site investigations provided that the ground is reinstated within 48 hours <u>of the completion of the investigation.</u></i></p> <p><i>This definition does not include any resultant buildings, structures or site development activities (including demolition or removal for relocation), which are separately defined under development activities or citywide activities. It also does not include site investigation provided for under the definitions of mineral exploration and mineral prospecting.</i></p> <p><i>Construction and site investigation is an activity in the temporary activities category.</i></p>
{Change Earth1}	Definition of Earthworks	Support	<p>The Fuel Companies support excluding earthworks as part of a site investigation from the earthworks definition. However, it would help to clarify that the driving of piles for building foundations are also exempt from the definition of earthworks, as this is also included in the definition of construction and site investigation.</p>	<p>Amend the definition of earthworks as follows:</p> <p><i>Earthworks</i></p> <p><i>The disturbance and alteration of land surfaces by the re-contouring of land and/or the excavation or deposition of materials including clean fill, soil, or rock.</i></p> <p><i>This definition excludes:</i></p> <ul style="list-style-type: none"> <i>earthworks as part of site investigation, <u>including the driving of piles for building foundations. These activities which</u> are included as part of the definition of construction and site investigation.</i>
{Change CP1}	Definition of High Trip Generators	Support	<p>The Fuel Companies support amending the definition of high trip generators so that it applies to new or expanded activities exceeding the thresholds, as opposed to any activity generating 250 or more vehicles per day.</p>	<p>Retain as notified.</p>



Change ID	Provision	Position	Reason	Relief Sought
{Change TA4; Change Earth1}	Standard 4.5.3.4	Support in part	The Fuel Companies support Standard 4.5.3.4, which manage the duration hours of operation in relating to off site activities associated with construction and site investigation.	Retain as notified.
{Change Earth1; Change TA3}	Standard 4.5.4 Construction and site investigation noise	Support in part	The Fuel Companies support the intent of the proposed amendments to Standard 4.5.4. However, as a result of the plan change it is now unclear what the applicable noise standard is for construction and site investigation activities measured in commercial and mixed use zones where there are no noise-sensitive activities.	Amend Standard 4.5.4 to clarify the noise limits for commercial and mixed use zones where there are no noise-sensitive activities.
{Change TA3}	Standard 4.5.4X Construction and site investigation vibration	Support	The Fuel Companies support the proposed amendments to Standard 4.5.4X.	Retain as notified.
{Change PHS6; Change TA3}	Standard 4.11.2 Construction noise and vibration management	Support	The Fuel Companies support the proposed amendments to Standard 4.11.2.	Retain as notified.
{Change PHS6}	4.9.2 Assessment of all discretionary performance standard contraventions	Support in part	The introduction of a framework to assess construction and site investigation noise is supported. However, it is not appropriate to include an assessment matter relating to the safety and efficiency of the transport network, as traffic effects are not relevant to construction and site investigation noise.	Amend Standard 4.10.2 as follows: 4.10.2 <i>Assessment of all discretionary performance standard contraventions</i> <i>Performance standard:</i> <i>Relevant objectives and policies (priority considerations):</i> X. <i>Objective 4.2.1</i>



Change ID	Provision	Position	Reason	Relief Sought
				<p>Y. The activity is designed and operated to minimise, as far as practicable, adverse effects on:</p> <p>i. the amenity of surrounding properties;</p> <p>ii. people’s health and safety; and</p> <p>iii. the safety and efficiency of the transport network (Policy 4.2.1.1);</p> <p>.....</p>
{Change PHS6}	4.10.2 Assessment of all non-complying performance standard contraventions	Support in part	The introduction of a framework to assess construction and site investigation noise is supported. However, it is not appropriate to include an assessment matter relating to the safety and efficiency of the transport network, as traffic effects are not relevant to construction and site investigation noise.	<p>Amend Standard 4.10.2 as follows:</p> <p>4.9.2 Assessment of all non-complying performance standard contraventions</p> <p>Performance standard:</p> <p>.....</p> <p>Relevant objectives and policies (priority considerations):</p> <p>X. Objective 4.2.1</p> <p>Y. The activity is designed and operated to minimise, as far as practicable, adverse effects on:</p> <p>i. the amenity of surrounding properties;</p> <p>ii. people’s health and safety; and</p> <p>iii. the safety and efficiency of the transport network (Policy 4.2.1.1);</p> <p>.....</p>
{Change CP1}	Policy 6.2.2.Y	Support in part	While the intent of the policy is acknowledged, it is important that it does not inadvertently prevent ‘high trip generator’ activities that do not require car parking spaces. For example, self-serve service stations or truck stops may not require any car parking spaces beyond the spaces used for refueling.	<p>Amend Policy 6.2.2 Y as follows:</p> <p>Policy 6.2.2.Y Only allow Enable high trip generators where the activity is located:</p>



Change ID	Provision	Position	Reason	Relief Sought
				<p>a. within convenient walking access of sufficient car parking <u>where car parking is required to serve that particular activity</u> (including any car parking provided on-site) and, where public car parking is relied on, the activity will not significantly impact the availability of that car parking to other nearby activities; and</p> <p>b. within convenient walking access of travel modes other than private car, except where the activity is not suited to access by these modes.</p>
{Change CP1}	Rule 6.14.2 Integrated Transport Assessment	Support in part	The intent of the proposed amendments to Rule 6.14.2 are supported. However, it should provide for expansion activities where they result in a similar character, intensity, scale to the existing activity, consistent with the wording in s10(a)(ii) of the RMA.	<p>Amend Rule 6.14.2 as follows:</p> <p>6.14.2 Integrated transport assessment</p> <p>1. Council will generally require an Integrated Transport Assessment (ITA) for applications for high trip generators unless the application is for a small expansion of an existing activity, provided the effects on accessibility and on the safety and efficiency of the transport network are likely to be <u>no more than minor similar in character, intensity and scale to the existing activity</u>.</p> <p>....</p>
{Change CP1}	Appendix 6C High Trip Generators Thresholds	Support	<p>The Fuel Companies support basing the trip generator thresholds on the number of dispensing facilities at service stations.</p> <p>Dispensing facility is defined in the 2GP as: <i>A single petrol pump or a group of petrol pumps that are grouped on a single 'island'</i>. Therefore, the trip generator thresholds do not apply for service stations where electric vehicle (EV) charging is added, as EV charging is not a dispensing facility. This approach is supported, noting that when EV charging is introduced at service stations, EVs essentially replace motor vehicles that previously visited the site and</p>	Retain as notified.



Change ID	Provision	Position	Reason	Relief Sought
			therefore result in negligible if any additional traffic movements to and from the site.	
{Change CP1}	Activity status rule for High trip generator activities in each zone.	Support	The Fuel Companies support the proposed amendment to apply the high trip generator activity thresholds to new or expanded activities.	Retain as notified.

