

20 November 2023

SLR Ref No.: Submission by the Fuel Companies on Mackenzie District Plan Review Stage 3 - PC27 Final v0.2

Mackenzie District Plan Review  
Mackenzie District Council  
PO Box 52, Main Street  
Fairlie 7949

By email: [districtplan@mackenzie.govt.nz](mailto:districtplan@mackenzie.govt.nz)

SLR Project No.: 14350

**Submission on the Mackenzie District Plan Review Stage 3 – Proposed  
Plan Change 27  
Pursuant to Clause 6 of the First Schedule of the  
Resource Management Act 1991**

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**Submitter:**

bp Oil New Zealand Limited	Mobil Oil New Zealand Limited	Z Energy Limited <sup>1</sup>
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*Hereafter referred to as the **Fuel Companies***

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<sup>1</sup> 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 Mackenzie District (*the district*), the Fuel Companies' core business relates to retail fuel outlets, including service stations and supply to commercial facilities.
2. Mackenzie District Council (*Council*) has notified Plan Changes 23-27 on 4 November 2023, as part of Stage Three of its District Plan Review.
3. In August 2023 the Fuel Companies provided written comments on the Stage Three Draft Chapters specifically relating to Earthworks and Transport. This submission follows from the comments on the draft chapters. Specifically, this submission relates to the Earthworks and Transport Chapters notified as part of Plan Change 27.

## The specific provisions of Plan Change 27 that the Fuel Companies' submission relates to are summarised as follows:

4. 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 1**. The Fuel Companies support alternative relief that achieves the same outcomes.
5. 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 Canterbury Regional Policy Statement.
    - iii. Avoid duplication with the Canterbury Regional Council resource management plans or other legislation.
    - iv. Assist the Council to carry out its functions under Section 31 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.

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

- 7. If others make similar submissions the Fuel Companies may be prepared to consider presenting a joint case with them at any hearing.
- 8. The Fuel Companies could not gain an advantage in trade competition through this submission.
- 9. 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**



**Georgia Alston**  
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Attachments    Schedule 1



## SCHEDULE 1

### A. The specific parts of the Proposed Plan Changes that are subject of this submission are:

10. This submission relates to the Earthworks and Transport Chapters notified as part of Plan Change 27 (PC27).
11. Where changes are sought, additions are in red underline, and deletions are in ~~red strikethrough~~.

### B. Earthworks (EW)

#### The reasons for the submission are:

12. The Fuel Companies have reviewed the proposed Earthworks Chapter in the context of the earthworks undertaken as part of the development of and normal maintenance, upgrade and operation of petroleum industry sites.
13. Objective EW-O1 requires that earthworks are undertaken in a way that minimises adverse effects and protects the safety of people, property, cultural values and infrastructure. Policy EW-P1 seeks to enable small-scale earthworks, while Policy EW-P2 seeks to manage the adverse effects of earthworks. The Fuel Companies support the EW Objective and Policies.
14. In terms of the rule framework, the Fuel Companies are principally interested in earthworks undertaken in relation to the removal or replacement of underground *fuel storage systems*, as defined in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**). Furthermore, the fuel storage system provisions in the NESCS link into HSNO (including the requirement to comply with HSNO COP44 and 45) and relevant contaminated site guidelines (including (Module 7 of) the MfE Guidelines: Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand). Those requirements ensure good site management practices (such as sheet piling, dust control, and sediment and erosion control). As this activity is specifically addressed under the NESCS (which requires notification and reporting to Council), it is appropriate to avoid duplication under the PC27 by providing a



permitted activity and exemption from any performance standards for earthworks that are provided for under the NESCS.

**The relief sought is:**

15. The Fuel Companies support EW-O1, EW-P1 and EW-P2 and seek that they be retained as notified.
16. The Fuel Companies support Rule EW-R1 which provides for removal or replacement of fuel storage systems as a permitted activity where it is undertaken in accordance with the NESCS. The Fuel Companies seek that this rule is retained as notified.

**C. TRANSPORT (TRAN)**

**The reasons for the submission are:**

17. The Fuel Companies have reviewed the proposed Transport Chapter in the context of typical operations, maintenance and upgrade of retail service stations.
18. The Fuel Companies support the intent of the proposed Transport Chapter provisions to include support for reducing vehicle trips and encouraging other forms of transport.
19. The Fuel Companies consider the use of electric vehicles (*EV*) to be a key utilisation of new renewable technologies that will help achieve carbon reduction and climate change goals. The Fuel Companies support the inclusion of Rule TRAN-R8 that provides a permitted pathway for EV Charging Stations. This approach supports a broader network of EV charging stations and therefore greater uptake of EV use in the district and would contribute to the Council's carbon reduction goals. It also aligns with other districts in the regions, for instance in Timaru and Selwyn, where the proposed plans have permitted the establishment of EV charging facilities.
20. PC27 introduces a consent trigger under rule TRAN-R7 and the requirement to prepare an Integrated Transport Assessment (*ITA*) for '*The Development of a New, or Expansion of an Existing Activity that Generates Vehicle Trips that Meet or Exceed the Thresholds Outlined in TRAN-Table 1*'. For service stations and truck stops, two or more filling points require a Basic Transport Assessment (Basic *ITA*) and a Full Transport Assessment (Full *ITA*) is required for six or more filling points.



21. The Section 32 Report indicates that the intent is that these thresholds to only apply where new or expanded service stations (or developments at existing service stations that increase the number of filling points) are proposed<sup>2</sup>. The Fuel Companies support the intent in the Section 32 Report, which is consistent with the approach proposed in the Selwyn and Timaru District Plan reviews. However, as drafted, the Fuel Companies are concerned that the rules may be interpreted as applicable to additions, alterations, and maintenance activities where there will be no material change in vehicle movements, such as where there is no change in the number of filling points. While the proposed ITA requirement does not apply to any development within scope of an existing ITA that has been prepared as part of a granted resource consent, the Fuel Companies are also concerned that some service stations will have established without an ITA and as such may not provide a permitted pathway.

**The relief sought is:**

22. Retain TRAN-R8 as notified with the minor addition below, for clarity:

**TRAN-R8 Electric Vehicle Charging Stations**

**All Zones      Activity Status: PER**

**Where:**

1. The charging station is installed immediately adjacent to an existing, permitted, or consented vehicle parking space located in a road corridor, vehicle depot, garage, parking lot or parking area.

23. For the avoidance of doubt and clarity of interpretation, the Fuel Companies seek the following additions to Rule TRAN-R7:

**TRAN-R7 The Development of a New, or Expansion of an Existing Activity that in itself Generates Vehicle Trips that Meet or Exceed the Thresholds Outlined in TRAN-Table 1.**

**All Zones      Activity Status: RDIS**

**Where:**

1. An Integrated Transport Assessment has been prepared in accordance with TRAN-Table 2 where the new or expanded activity in itself exceeds the thresholds set out in TRAN-Table 1.

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<sup>2</sup> Page 41 of the Section 32 report states that 'Existing use rights still apply. It is appropriate to require assessment of expansion activities.'

