SUBMISSION ON PROPOSED OTAGO REGIONAL POLICY STATEMENT 2021 PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

To: Otago Regional Council
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Attention: ORC Policy Team

By E-Mail only: RPS@orc.govt.nz

Submitter:

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Hereafter, collectively referred to as the Fuel Companies

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LAND. PEOPLE. WATER.

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

INTRODUCTION

1) Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited (*the Fuel Companies*) receive, store and distribute refined petroleum products. The core business of the Fuel Companies is the operation and management of retail fuel networks, commercial refuelling facilities and bulk storage (*terminal*) facilities. The Fuel Companies also supply petroleum products to individually owned businesses. The nature of the Fuel Companies' activities at the Port of Otago is critical to a number of interests in the proposed Otago Regional Policy Statement 2021 (*ORPS*).

2) The Dunedin Port provides the sole point of entry for ships carrying bulk petroleum products into the Otago Region. There are three existing bulk fuel storage terminals at the Port:

   - Z Energy2015 Limited (previously Chevron New Zealand), 203 Fryatt Street;
   - Z Energy Limited, 9-25 Wickliffe Street; and
   - BP Oil New Zealand Limited, Parry Street.

3) The terminals provide storage for approximately 45 million litres of bulk fuel, comprising petrol (95 and 91 octane), diesel, light fuel oil, and jet fuel. Fuel is supplied to the terminals via ship, with approximately 30 shipments delivered each year. Fuel is piped from the ships to storage at the terminals via wharflines.

4) Distribution of fuel from the terminals, except for bunkering of ships with light fuel oil (again via wharflines), is provided by heavy goods vehicles. These vehicles primarily serve the Otago region, however, fuel is also transported beyond the region. For instance, the terminals provide supplies into Canterbury and Southland in the event of shortages at the Bluff and Timaru terminals (and vice versa). The terminals also provide all jet fuel to Invercargill Airport (there is no jet fuel storage at Bluff), as well as Queenstown and Dunedin Airports. A special winter blend of diesel is also supplied from Dunedin into South Canterbury.

5) The Fuel Companies' submission on the ORPS is focused on the key issues relevant to the ongoing operation, maintenance, and upgrade of its facilities.

THE SPECIFIC PROVISIONS OF THE PROPOSED ORPS THAT THE FUEL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

6) 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 table. Changes sought to the provisions are shown by deletion in ~~strikethrough~~ and addition in <u>underline</u>. The Fuel Companies support alternative relief that achieves the same outcomes.

7) In addition to the specific outcomes and relief sought, the following general relief is sought:

   a) 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 National Policy Statements, Environmental Standards and Regulations, including the National Policy Statement for Freshwater Management (*NPSFM*) and the New Zealand Coastal Policy Statement (*NZCPS*);

      iii. Assist the Council to carry out its functions under Section 30 RMA;

      iv. Meet the requirements of the statutory tests in section 32 of the RMA; and

      v. Avoid, remedy or mitigate any relevant and identified environmental effects;

   b) 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 ORPS that are not

specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and

c) Any other relief required to give effect to the issues raised in this submission.

THE FUEL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION

IF OTHERS MAKE A SIMILAR SUBMISSION, THE FUEL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

THE FUEL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

THE FUEL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THAT SUBMISSION THAT -

I. ADVERSELY AFFECTS THE ENVIRONMENT; AND

II. DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

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

Mark Laurenson

Principal Planner

13 September 2021

Notified Provision	Support/ Oppose	Rationale	Relief Sought (alternative relief may achieve the same outcome)
Part 1 – Introduction and General Provisions			
Definitions			
Commercial port activity means commercial shipping operations associated with the Otago Harbour and the activities carried out at the ports at Port Chalmers and Dunedin, which include: a. Operation of commercial ships in Otago Harbour; b. Loading and unloading of goods and passengers carried by sea; c. Facilities for the storage of goods carried by sea; d. Buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the ports' operation or administration; e. Structures, facilities and pipelines for fuel storage, and refuelling of ships; f. Provision, maintenance and development of shipping channels and swing basins; g. Disposal of dredged materials at AO, Heyward Point, Aramoana and Shelly Beach; h. Installation and maintenance of beacons and markers for navigation safety i. Provision and maintenance of the mole at Aramoana	Support in part	The Fuel Companies support the specific recognition of fuel storage and refuelling activities but as provided for other activities seek that clauses (d) and (e) also provide specifically for the provision, maintenance and development, noting that this is critical to the ongoing operation of those facilities. The energy, infrastructure and transport topic addresses both transport systems and commercial port activities. It appears that the intent is that commercial port activities are not considered a subset of transport system but this should be clear.	Amend clause (e) as follows: d. Provision, maintenance and development of buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the port's operation or maintenance. e. Provision, maintenance and development of ~~S~~structures, facilities and pipelines for fuel storage, and refuelling of ships; Clarify that commercial port activities are not included in the undefined term 'transport system'. Otherwise retain the definition as notified.
Lifeline utilities means utilities provided by those entities listed in Scheule 1 of the CDEM 2002.	Support	The proposed definition encompasses key activities undertaken by the Fuel Companies which reflects the importance of petroleum supply to the region.	Retain the definition as notified.
Nationally significant infrastructure has, to the extent applicable to the Otago Region, the same meaning as in clause 1.4(1) of the National Policy Statement for Urban Development 2020 means all of the following: a. State highways b. the national grid electricity transmission network c. renewable electricity generation facilities that connect with the national grid	Support in part	Item 6 of Part A of Schedule 1 of the CDEM 2002 is as follows: The port company (as defined in section 2(1) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Port Chalmers, Gisborne, Lyttelton, Napier,	Amend the definition to clarify that terminals and ancillary pipelines are nationally significant infrastructure and that the definition applies to both Port Chalmers and Dunedin.

d. the high-pressure gas transmission pipeline network operating in the North Island e. the refinery pipeline between Marsden Point and Wiri f. the New Zealand rail network (including light rail) g. rapid transit services (as defined in this clause) h. any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers i. the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002		Nelson, Picton, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei. While the terminals are a commercial port activity as proposed in the ORPS, it is not clear they are port facilities of a port company. It is also not clear that this definition provides for activities at the Dunedin Port, noting it is specific to Port Chalmers.	
Regionally significant infrastructure means: 1. roads classified as being of regional importance in accordance with the One Network Road Classification,7 2. electricity sub-transmission infrastructure, 3. renewable electricity generation facilities that connect with the local distribution network but not including renewable electricity generation facilities designed and operated principally for supplying a single premise or facility, 4. telecommunication and radiocommunication facilities, 5. facilities for public transport, including terminals and stations, 6. the following airports: Dunedin, Queenstown, Wanaka, Alexandra, Balclutha, Cromwell, Oamaru, Taieri, 7. navigation infrastructure associated with airports and commercial ports which are nationally or regionally significant, 8. defence facilities, 9. community drinking water abstraction, supply treatment and distribution infrastructure that provides no fewer than 25 households with drinking water for not less than 90 days each calendar year, and community water supply abstraction, treatment and distribution infrastructure (excluding delivery systems or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking-water supplies), 10. community stormwater infrastructure, 11. wastewater and sewage collection, treatment and disposal infrastructure serving no fewer than 25 households, and	Support in part	The definition of Nationally Significant Infrastructure only includes port facilities at Port Chalmers. It is not clear that this encapsulates the terminals and pipelines of the fuel companies and Port facilities at Dunedin. These should, as a minimum, be clearly recognised as RSI. This appears to be the intent of the RPS, for instance EIT TRAN-P23, which seeks to recognise the national and regional significance of commercial port activities.	Explicitly recognise port activities, or at least structures, facilities, and pipelines for fuel storage and refuelling of ships as RSI. This could be achieved by adding either of the following to the RSI definition: <u>Structures, facilities and pipelines for fuel storage, and refuelling of ships.</u> Or <u>Commercial Port activities, including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.</u>

12. Otago Regional Council's hazard mitigation works including flood protection infrastructure and drainage schemes.			
New definition – Major Hazard Facility (MHF)		The explicit functions of Councils to control the adverse effects of the storage, use, disposal or transportation of hazardous substances were removed from the RMA by the RLAA. Controls on hazardous substances are now only necessary where required to control effects under the RMA that are not covered by HSNO or HSWA. In most cases, the Fuel Companies consider HSNO and HSWA to be adequate and this position is supported by guidance on the Quality Planning Website - https://www.qualityplanning.org.nz/node/695 However, there may be instances in Otago, for instance around MHF, where it is appropriate that RMA controls are used. This is reflected in the proposed MHF definition (per the MHF Regs) and the changes sought to relevant provisions.	Include a definition of MHF as defined in the Health and Safety at Work (Major Hazard Facilities) Regulations 2016: Major hazard facility means a facility that WorkSafe has designated as a lower tier major hazard facility or an upper tier major hazard facility under regulation 19 or 20 of the Health and Safety at Work (Major Hazard Facilities) Regulations 2016
Part 3 – Domains and Topics			
Coastal Environment			
CE-P1 – Links with other chapters Recognise that: 1. coastal hazards must be identified in accordance with CE-P2(4) and managed in accordance with the HAZ–NH – Natural hazards section of this RPS; 2. port activities must be managed in accordance with the TRAN – Transport section of this RPS; and 3. historic heritage must be managed in accordance with the HCV – Historical and cultural values section of this RPS.	Oppose	CE-P1(2) sets out links with other chapters but raises questions around what it doesn't list. For instance, infrastructure (except port activities) is not listed and this creates uncertainty re how those provisions apply in the coastal environment, noting port activities are specifically referenced in the infrastructure provisions. It does not seem appropriate that a "how to apply the RPS" should be elevated to a policy – particularly	Delete policy CE-P1 but if necessary provide further clarification in the integrated management chapter re the application of the coastal environment chapter to other provisions in the RPS.

		where in other sections of the RPS there are explanations relating to linkages. Reliance should be placed on the integrated management chapter which sets out how the RPS is to be interpreted.	
CE–P2 – Identification Identify the following in the coastal environment: 1. the landward extent of the coastal environment, recognising that the coastal environment includes: a. the coastal marine area, b. islands within the coastal marine area, c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these, d. areas at risk from coastal hazards as identified in CE–P2(4), e. coastal vegetation and the habitat of indigenous coastal species including migratory birds, f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values, g. items of cultural and historic heritage in the coastal marine area or on the coast, h. inter-related coastal marine and terrestrial systems, including the intertidal zone, and i. physical resources and built facilities, including infrastructure, that have modified the coastal environment, 2. areas of water quality in the coastal marine area that are considered to have deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities such as mahika kai and harvesting of kaimoana, 3. areas of coastal water where takata whenua have a particular interest, 4. areas that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected, and	Support	It is important in undertaking any mapping exercise to recognise the existing facilities, including existing infrastructure, as per CE-P2(1)(e).	Retain CE-P2 as notified

5. the nationally significant surf breaks at Karitane, Papatowai, The Spit, and Whareakeake and any regionally significant surf breaks.			
CE-P3 – Coastal water quality Coastal water quality is improved where it is considered to have deteriorated to the extent described within CE-P1(2), and otherwise managed, so that: 1. healthy coastal ecosystems, indigenous habitats provided by the coastal environment, and the migratory patterns of indigenous coastal water species are maintained or enhanced, 2. Kāi Tahu relationships with and customary uses of coastal water are sustained, 3. recreation opportunities and existing uses of coastal water are maintained or enhanced, and 4. within identified areas where takata whenua have a particular interest, adverse effects on these areas and values are remedied or where remediation is not practicable, are mitigated.	Support in part	The cross reference to CE-P1(2) does not appear to be relevant so the circumstances where improvement is required are unclear. It would seem likely that the reference should be to CE-P2(2). The balance of the policy is supported.	Amend the cross reference to CE-P2(2) but otherwise retain as notified.
CE–P5 – Coastal indigenous biodiversity Protect indigenous biodiversity in the coastal environment by: 1. identifying and avoiding adverse effects on the following ecosystems, vegetation types and areas: a. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, b. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened, c. indigenous ecosystems and vegetation types in the coastal environment that are threatened or are naturally rare, d. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare, e. areas containing nationally significant examples of indigenous community types, and f. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and	Support	The Fuel Companies accept the intent to in effect leave policy 11 of the NZCPS to be addressed in the lower order plans.	Retain as notified

2. identifying and avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on the following ecosystems, vegetation types and areas: a. areas of predominantly indigenous vegetation in the coastal environment, b. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species, c. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable, d. areas sensitive to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh, e. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes, f. habitats, including areas and routes, important to migratory species, and g. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.			
CE-P6 – Natural features, landscapes and seascapes Protect natural features, landscapes and seascapes in the coastal environment by: 1. identifying their areas and values in accordance with APP9, 2. avoiding adverse effects of activities on outstanding natural features, landscapes or seascapes, 3. avoiding significant adverse effects and avoiding, remedying, or mitigating other adverse effects of activities on other natural features and natural landscapes or seascapes, and 4. promoting restoration or enhancement of natural features, landscapes and seascapes where they have been reduced or lost.	Support	The recognition at CE-P6(3) that it will not always be appropriate to avoid all adverse effects is supported.	Retain as notified
CE-P8 - Public access Maintain or enhance public access to and along the coastal marine area, unless restricting public access is necessary: 1. to protect public health and safety,	Support	The requirement of the need to protect public health and safety is important in balancing access to the CMA, particularly in relation to port activities.	Retain as notified

2. to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, 3. to protect dunes, estuaries and other sensitive natural areas or habitats, 4. to protect places or areas containing historic heritage of regional or national significance, 5. to protect places or areas of significance to takata whenua, including wāhi tapu and wāhi tūpuna, 6. for defence purposes in accordance with the Defence Act 1990, 7. for temporary activities or special events, or 8. to ensure a level of security consistent with the operational requirements of a lawfully established activity.			
CE-P9 – Activities on land within the coastal environment The strategic and co-ordinated use of land within the coastal environment is achieved by: 1. avoiding sprawling or sporadic patterns of subdivision, use and development, 2. considering the rate at which built development should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the values of the coastal environment, 3. recognising the importance of the provision of infrastructure to the social, economic and cultural well-being of people and communities, 4. maintaining or enhancing public access to the coastal environment, and 5. considering where activities that maintain the character of the existing built environment should be encouraged, and where activities resulting in a change in character would be acceptable.	Support in part	It is also critical that land use in proximity of the port avoids reverse sensitivity effects on port activities. This is addressed further in submissions in relation to the Hazards and risks and urban form and development topics.	Add the following clause to CE-P9. <u>6. avoiding reverse sensitivity effects on NSI, RSI, and Major Hazard Facilities.</u> Retain the balance of CE-P9 as notified.
CE-P10 – Activities within the CMA Use and development in the coastal marine area must: 1. enable multiple uses of the coastal marine area wherever reasonable and practicable, 2. maintain or improve the integrity, form, function and resilience of the coastal marine area, and 3. have a functional or operational need to be located in the coastal marine area, or 4. have a public benefit or opportunity for public recreation that cannot practicably be located outside the coastal marine area.	Support	The recognition of functional and operational need and resilience is supported.	Retain as notified

CE-M3 – Regional plans Otago Regional Council must prepare or amend and maintain its regional plans no later than 31 December 2028 to: 1. map areas of deteriorated water quality in the coastal environment, in accordance with CE–P2(2) and CE–P2(3), 2. map the areas and characteristics of, and access to, nationally and regionally significant surf breaks, 3. require development to be set back from the coastal marine area where practicable to protect the natural character, open space, public access and amenity values of the coastal environment, 4. manage the discharge of contaminants into coastal water by: a. only enabling the use of small mixing zones before the water quality standards need to be met in the receiving environment and minimising adverse effects on the life-supporting capacity of water within any mixing zone, b. prohibiting the discharge of untreated human sewage directly to water in the coastal environment, c. prohibiting the discharge of treated human sewage directly to water in the coastal environment unless: i. there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge, and ii. it can be demonstrated that the proposal has been informed by consultation with tangata whenua and the affected community, and d. reducing the discharge of sediment by: i. requiring that subdivision, use, or development will not increase sedimentation of the coastal marine area or other coastal water, ii. controlling the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry, and iii. reducing sediment loadings in runoff and in stormwater systems through controls on land use activities, and	Support in part	Control of contaminants at source, is an effective and efficient means of minimising the potential for generation of contaminants in the first instance. For instance controls on the use of zinc and copper in metal roofs, car tyres and brake linings. This should be promoted through the RPS to achieve the objectives and policies, for instance CE-P3.	Add the following to CE-M3 <u>4(g) Promote awareness and actions to reduce contaminant discharges through source control</u> Retain the balance of CE-M3 as notified.

e. avoiding cross-contamination between sewage and stormwater systems where new systems are proposed and remedy cross-contamination where they currently exist in established systems, and f. having particular regard to: i. the sensitivity of the receiving environment, ii. the nature of the contaminants to be discharged, the contaminant concentration thresholds not to be exceeded to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded, iii. the capacity of the receiving environment to assimilate the contaminants, and iv. avoiding significant adverse effects on ecosystems and habitats after reasonable mixing, 5. control the use and development of the coastal marine area, in order to: a. preserve the natural character; natural landscapes, features, and seascapes; and indigenous biodiversity of the coastal marine area in accordance with CE–P4, CE–P5 and CE–P6, and b. manage Otago's nationally and regionally significant surf breaks in accordance with CE–P7, 6. include provisions requiring the adoption of a precautionary approach to assessing the effects of activities in the coastal environment in accordance with IM–P15 where: a. there is scientific uncertainty, or b. there are potentially significant or irreversible adverse effects, 7. identify areas appropriate for aquaculture and the forms and limits associated with providing for aquaculture that will enable achievement of objectives CE–O1 to CE–O5, 8. provide for walking access to and along the coastal marine area in accordance with Policy 19 of the NZCPS, 9. control vehicle access to and along the coastal marine area in accordance with Policy 20 of the NZCPS,			

10. manage reclamation activities in accordance with CE–P12, and when reclamation is considered suitable in accordance with CE–P12, have particular regard to the matters listed in Policy 10(2) and (3) of the NZCPS, 11. require stock to be excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, and 12. provide for and encourage activities undertaken for the primary purpose of restoring natural character, features, landscapes, or seascapes in accordance with CE–P4 and CE–P6.			
CE-M4 – District plan Territorial authorities must prepare or amend and maintain their district plans to: 1. control the location, density and form of subdivision in the coastal environment (outside the coastal marine area), 2. control the location, scale and form of buildings and structures in the coastal environment (outside the coastal marine area), 3. control the location and scale of earthworks and vegetation planting, modification and removal in the coastal environment (outside the coastal marine area), 4. require resource consent for uses of land on reclamations that have occurred after the date this RPS becomes operative, 5. provide for the establishment of esplanade reserves and esplanade strips, 6. include provisions requiring the adoption of a precautionary approach to assessing the effects of activities in the coastal environment in accordance with IM–P15 where: a. there is scientific uncertainty, or b. there are potentially significant or irreversible adverse effects, 7. provide for walking access to the coastal marine area in accordance with Policy 19 of the NZCPS, 8. control vehicle access to the coastal marine area in accordance with Policy 20 of the NZCPS, 9. recognise takata whenua needs for papakāika, marae and associated developments within the coastal environment and make appropriate provision for them, 10. provide access to nationally and regionally significant surf breaks, and	Support in part	Amend to promote source control, for instance through building materials, and recognise the importance of managing potential reverse sensitivity effects on Major Hazard Facilities including those at the Port.	Add the following clauses to CE-M4: <u>Promote awareness and actions to reduce contaminant discharges through source control</u> <u>Control land use in proximity of NSI, RSI, and Major Hazard Facilities.</u> Retain the balance of CE-M4 as notified.

11. provide for and encourage activities undertaken for the primary purpose of restoring natural character, features, or landscapes in accordance with CE–P4 and CE–P6.			
Land and fresh water			
LF-FW-P7 Fresh water Environmental outcomes, attribute states (including target attribute states) and limits ensure that: 1. the health and well-being of water bodies is maintained or, if degraded, improved, 2. the habitats of indigenous species associated with water bodies are protected, including by providing for fish passage, 3. specified rivers and lakes are suitable for primary contact within the following timeframes: a. by 2030, 90% of rivers and 98% of lakes, and b. by 2040, 95% of rivers and 100% of lakes, and 4. mahika kai and drinking water are safe for human consumption, 5. existing over-allocation is phased out and future over-allocation is avoided, and 6. freshwater is allocated within environmental limits and used efficiently.	Oppose in part	The intent of the policy is supported but the strict avoidance of over-allocation (in terms of quantity) in all circumstances at clause 5 is opposed. This reflects the potential need for essential temporary construction dewatering takes, for instance to facilitate the safe and timely replacement/installation of underground infrastructure, can be required in over allocated catchments and will not necessarily be considered non consumptive, for instance where dewatering water is discharged to a reticulated stormwater or wastewater system. If this policy is retained as drafted, there is a risk that any such takes will be prohibited in over allocated catchments, despite not affecting the stated outcomes and limits.	Amend the policy or include a new policy to ensure that the avoidance direction does not lead to prohibited pathways for essential temporary construction dewatering takes necessary to facilitate operation, maintenance, upgrade, and development of infrastructure in over allocated catchments. Retain the balance of the policy as notified.
LF-FW-P15 – Stormwater and wastewater discharges Minimise the adverse effects of direct and indirect discharges of stormwater and wastewater to fresh water by: 1. except as required by LF–VM–O2 and LF–VM–O4, preferring discharges of wastewater to land over discharges to water, unless adverse effects associated with a discharge to land are greater than a discharge to water, and 2. requiring: a. all sewage, industrial or trade waste to be discharged into a reticulated wastewater system, where one is available, b. all stormwater to be discharged into a reticulated system, where one is available,	Support in part	The intent of clause 2(b) is supported but the Fuel Companies have experienced instances where network operators have not been accepting of discharges of stormwater from industrial or trade premises to the reticulated stormwater network and have insisted they be directed to wastewater, despite them being in accordance with good practice and permitted under the relevant regional plan. The Fuel Companies seek to ensure that the role of industry good practice is recognised (in the case of the Fuel Companies that is provided by	Add the following to promote source control and recognise the role of industry good practice: <u>4. promoting awareness and actions to reduce contaminant discharges through source control</u> <u>5. recognising the role of relevant industry guidelines.</u> Retain the balance of the policy as

c. implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring for reticulated stormwater and wastewater systems, d. on-site wastewater systems to be designed and operated in accordance with best practice standards, e. stormwater and wastewater discharges to meet any applicable water quality standards set for FMUs and/or rohe, and f. the use of water sensitive urban design techniques to avoid or mitigate the potential adverse effects of contaminants on receiving water bodies from the subdivision, use or development of land, wherever practicable, and 3. promoting the reticulation of stormwater and wastewater in urban areas.		the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in NZ (MFE, 1998)). Control of contaminants at source, is an effective and efficient means of minimising the potential for contaminants to arrive in the first instance. For instance, controls on the use of zinc and copper in metal roofs, car tyres and brake linings. This should be promoted through the RPS.	notified.
LF-FW-M6 – Regional Plans Otago Regional Council must publicly notify a Land and Water Regional Plan no later than 31 December 2023 and, after it is made operative, maintain that regional plan to: 1. identify the compulsory and, if relevant, other values for each Freshwater Management Unit, 2. state environmental outcomes as objectives in accordance with clause 3.9 of the NPSFM, 3. identify water bodies that are over-allocated in terms of either their water quality or quantity, 4. include environmental flow and level regimes for water bodies (including groundwater) that give effect to Te Mana o te Wai and provide for: a. the behaviours of the water body including a base flow or level that provides for variability, b. healthy and resilient mahika kai, c. the needs of indigenous fauna, including taoka species, and aquatic species associated with the water body, d. the hydrological connection with other water bodies, estuaries and coastal margins, e. the traditional and contemporary relationship of Kāi Tahu to the water body, and	Support in part	Control of contaminants at source, is an effective and efficient means of minimising the potential for generation of contaminants in the first instance. For instance controls on the use of zinc and copper in metal roofs, car tyres and brake linings. This should be promoted through the RPS to achieve the objectives and polices, for instance LF-FW-P7.	Add the following to LF-FW-M6 <u>Promote awareness and actions to reduce contaminant discharges through source control</u> Retain the balance of the method as notified.

f. community drinking water supplies, and 5. include limits on resource use that: a. differentiate between types of uses, including drinking water, and social, cultural and economic uses, in order to provide long-term certainty in relation to those uses of available water, b. for water bodies that have been identified as over-allocated, provide methods and timeframes for phasing out that over-allocation, c. control the effects of existing and potential future development on the ability of the water body to meet, or continue to meet, environmental outcomes, d. manage the adverse effects on water bodies that can arise from the use and development of land, and 6. provide for the off-stream storage of surface water where storage will: a. support Te Mana o te Wai, b. give effect to the objectives and policies of the LF chapter of this RPS, and c. not prevent a surface water body from achieving identified environmental outcomes and remaining within any limits on resource use, and 7. identify and manage natural wetlands in accordance with LF–FW–P7, LF–FW–P8 and LF–FW–P9 while recognising that some activities in and around natural wetlands are managed under the NESF, and 8. manage the adverse effects of stormwater and wastewater in accordance with LF–FW–P15.			
LF–FW–M7 – District plans Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to: 1. map outstanding water bodies and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF–FW–M5, and 2. include provisions to avoid the adverse effects of activities on the significant and outstanding values of outstanding water bodies, 3. require, wherever practicable, the adoption of water sensitive urban design techniques when managing the subdivision, use or development of land, and	Support in part	Further to the submission in response to LF-FW-P15, the Fuel Companies have experienced instances of network operators insisting stormwater discharges permitted under the regional plan be discharged to wastewater. This is not effects based, does not promote sustainable management and is contrary to the intention to reduce wet weather overflows from the wastewater system.	Direct network operators to accept discharges to networks, where they are permitted under the regional plan or compliant with a relevant discharge consent. Retain the balance of the method as notified.

4. reduce the adverse effects of stormwater discharges by managing the subdivision, use and development of land to: a. minimise the peak volume of stormwater needing off-site disposal and the load of contaminants carried by it, b. minimise adverse effects on fresh water and coastal water as the ultimate receiving environments, and the capacity of the stormwater network, c. encourage on-site storage of rainfall to detain peak stormwater flows, and d. promote the use of permeable surfaces.			
LF-LS-O11 – Land and soil The life-supporting capacity of Otago's soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations.	Support		Retain as notified
LF-LS-O12 – Use of land The use of land in Otago maintains soil quality and contributes to achieving environmental outcomes for fresh water.	Support		Retain as notified
LF-LS-P21 – Land use and fresh water Achieve the improvement or maintenance of fresh water quantity or quality to meet environmental outcomes set for Freshwater Management Units and/or rohe by: 1. reducing direct and indirect discharges of contaminants to water from the use and development of land, and 2. managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater.	Support		Retain as notified
Ecosystems and indigenous biodiversity			
ECO–O1 – Indigenous biodiversity Otago's indigenous biodiversity is healthy and thriving and any decline in quality, quantity and diversity is halted.	Support		Retain as notified
ECO–P3 – Protecting significant natural areas and taoka Except as provided for by ECO–P4 and ECO–P5, protect significant natural areas and indigenous species and ecosystems that are taoka by: 1. avoiding adverse effects that result in:	Support	The link to ECO-P4 and P5, which reference NSI and RSI, is supported.	Retain as notified

a. any reduction of the area or values (even if those values are not themselves significant) identified under ECO–P2(1), or b. any loss of Kāi Tahu values, and 2. after (1), applying the biodiversity effects management hierarchy in ECO–P6, and 3. prior to significant natural areas and indigenous species and ecosystems that are taoka being identified in accordance with ECO–P2, adopt a precautionary approach towards activities in accordance with IM–P15.			
ECO–P4 – Provision for new activities Maintain Otago's indigenous biodiversity by following the sequential steps in the effects management hierarchy set out in ECO–P6 when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas, or where they may adversely affect indigenous species and ecosystems that are taoka: 1. the development or upgrade of nationally and regionally significant infrastructure that has a functional or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, 2. the development of papakāika, marae and ancillary facilities associated with customary activities on Māori land, 3. the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic well-being of takata whenua, 4. activities that are for the purpose of protecting, restoring or enhancing a significant natural area or indigenous species or ecosystems that are taoka, or 5. activities that are for the purpose of addressing a severe and immediate risk to public health or safety.	Support	The recognition of NSI and RSI is supported	Retain as notified
ECO–P5 – Existing activities in significant natural areas Except as provided for by ECO–P4, provide for existing activities within significant natural areas and that may adversely affect indigenous species and ecosystems that are taoka, if: 1. the continuation of an existing activity will not lead to the loss (including through cumulative loss) of extent or degradation of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka, and	Support	The recognition of NSI and RSI is supported	Retain as notified

2. the adverse effects of an existing activity are no greater in character, spatial extent, intensity or scale than they were before this RPS became operative.			
Energy, infrastructure and transport			
EIT-INF-E2 and EIT-TRAN-E3 explanations	Oppose in part	Port activities are also infrastructure. Confirmation is required that infrastructure provisions are also applicable to port activities. There is no need for the statement that the provisions of the coastal environment chapter also apply to commercial port activities and it is potentially misleading, noting that the coastal environment provisions are presumably relevant to any activities in the coastal environment, not just port activities. The statement confuses the clear direction provided in the integrated management chapter.	Confirm by way of explanation both the infrastructure and transport provisions are potentially applicable to commercial port activities Delete ~~In relation to commercial port activities taking place within the coastal environment, the provisions of the CE – Coastal Environment chapter also apply.~~
EIT-INF-O4 – Provision of infrastructure Effective, efficient and resilient infrastructure enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth within the region within environmental limits.	Support		Retain as notified
EIT–INF–O5 – Integration Development of nationally and regionally significant infrastructure, as well as land use change, occurs in a co-ordinated manner to minimise adverse effects on the environment and increase efficiency in the delivery, operation and use of the infrastructure.	Support		Retain as notified
EIT-INF-P10 – Recognising resource requirements Decision making on the allocation or use of natural and physical resources must take into account the needs of nationally and regionally significant infrastructure.	Support		Retain as notified
EIT-INF-P11– Operation and maintenance Except as provided for by ECO–P4, allow for the operation and maintenance of existing nationally and regionally significant infrastructure while:	Support		Retain as notified

1. avoiding, as the first priority, significant adverse effects on the environment, and 2. if avoidance is not practicable, and for other adverse effects, minimising adverse effects.			
EIT-INF-P12 – Upgrades and development Provide for upgrades to, and development of, nationally or regionally significant infrastructure while ensuring that: 1. infrastructure is designed and located, as far as practicable, to maintain functionality during and after natural hazard events, 2. it is, as far as practicable, co-ordinated with long-term land use planning, and 3. increases efficiency in the delivery, operation or use of the infrastructure.	Support		Retain as notified
EIT-INF-P13 – Locating and managing effects of infrastructure When providing for new infrastructure outside the coastal environment: 1. avoid, as the first priority, locating infrastructure in all of the following: a. significant natural areas, b. outstanding natural features and landscapes, c. natural wetlands, d. outstanding water bodies, e. areas of high or outstanding natural character, f. areas or places of significant or outstanding historic heritage, g. wāhi tapu, wāhi taoka, and areas with protected customary rights, and h. areas of high recreational and high amenity value, and 2. if it is not possible to avoid locating in the areas listed in (1) above because of the functional or operational needs of the infrastructure manage adverse effects as follows: a. for nationally or regionally significant infrastructure: i. in significant natural areas, in accordance with ECO–P4, ii. in natural wetlands, in accordance with the relevant provisions in the NESF, iii. in outstanding water bodies, in accordance with LF–P12,	Support	The Fuel Companies anticipate its terminal infrastructure will fall to be in the coastal environment but support this approach for infrastructure that may fall outside the coastal environment.	Retain as notified

iv. in other areas listed in EIT–INF–P13 (1) above, minimise the adverse effects of the infrastructure on the values that contribute to the area's importance, and b. for all infrastructure that is not nationally or regionally significant, avoid adverse effects on the values that contribute to the area's outstanding nature or significance.			
EIT-INF-P14 – Decision making considerations When considering proposals to develop or upgrade infrastructure: 1. require consideration of alternative sites, methods and designs if adverse effects are potentially significant or irreversible, and 2. utilise the opportunity of substantial upgrades of infrastructure to reduce adverse effects that result from the existing infrastructure, including on sensitive activities.	Oppose in part	The second clause of this policy has potential to lead to provisions seeking to curtail existing lawful activities with minimal effects and is opposed.	Delete EIT-INF-P14(2).
EIT-INF-P15 – Protecting nationally or regionally significant infrastructure Seek to avoid the establishment of activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.	Support in part	Remove 'seek to' which undermines the important direction provided by this policy.	Delete 'seek to' but otherwise retain the policy as notified.
EIT-TRAN-O7 – Effective, efficient, and safe transport Otago has an integrated air, land and sea transport network that: 1. is effective, efficient and safe, 2. connects communities and their activities within Otago, with other regions, and internationally, and 3. is resilient to natural hazards.	Support		Retain as notified
EIT-TRAN-O10 – Commercial activities Commercial port activities operate safely and efficiently, and within environmental limits.	Support		Retain as notified.
EIT-TRAN-P23 Recognise the national and regional significance of the commercial port activities associated with the ports at Port Chalmers and Dunedin (respectively) by: 1. within environmental limits as set out in Policies CE–P3 to CE–P12, providing for the efficient and safe operation of these ports and efficient connections with other transport modes.	Support	The recognition of the commercial port activities as RSI and NSI is supported. Corresponding amendments are required to the definitions of the same.	Retain as notified

2. within the environmental limits set out in Policies CE–P3 to CE–P12, providing for the development of the ports' capacity for national and international shipping in and adjacent to existing port activities, and 3. ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes.			
EIT-TRAN-M7 – Regional plans Otago Regional Council must prepare or amend and maintain its regional plans to: 1. provide for the development, operation, maintenance, or upgrade of the transport system that: a. is within the beds of lakes and rivers or the coastal marine area, or b. involves the taking, use, damming or diversion of water and discharge of water and contaminants, 2. manage the adverse effects of infrastructure activities that: a. provide for the establishment of transport infrastructure that supports modes of transport that are not reliant on fossil fuels, and b. include policies and methods that provide for the commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin, and 3. within environmental limits, facilitate the safe and efficient operation and development of commercial port activities at Port Chalmers and Dunedin. This includes previously approved resource consents for the following activities in the coastal development area mapped in MAP2: a. dredging of Otago lower harbour (to 17.5m for entrance channel, and 14.5m through to Port Chalmers), b. dredging of Otago upper harbour to 10.5m, c. management of upper and lower harbour navigation beacons, d. discharge of dredging spoil to the disposal grounds at Heyward Point, Aramoana, Shelley Beach, and AO, and e. placement and use of scientific buoys.	Support		Retain as notified

EIT-TRAN-M8 Territorial authorities must prepare or amend and maintain their district plans to: 1. require a strategic approach to the integration of the transport system with land uses and between modes, 2. require high trip generating activities to be integrated with public transport services and provide for safe pedestrian and cycling access, 3. include subdivision and infrastructure design standards to minimise private vehicle use, enable public transport networks to operate and recognise the accessibility needs of the community, including the mobility impaired, the elderly and children, 4. restrict or prevent the establishment or expansion of activities adjacent to transport infrastructure that may compromise the operation or safety of the transport system, 5. provide for the establishment of transport infrastructure that supports modes of transport that are not reliant on fossil fuels, and 6. include policies and methods that provide for commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin.	Support in part	Reinforce through the methods the importance of avoiding reverse sensitivity effects (in line with EIT-INF-P15).	Amend clause 6 of EIT-TRAN-M8 as follows: include policies and methods that provide for commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin and avoid encroachment of activities which give rise to reverse sensitivity effects.
Hazards and risks			
HAZ–NH–O1 – Natural hazards Levels of risk to people, communities and property from natural hazards within Otago do not exceed a tolerable level.	Support	The focus on risk as a combination of consequences and likelihood and managing this to tolerable levels is supported.	Retain as notified
HAZ–NH–O2 – Adaption Otago's people, property and communities are prepared for and able to adapt to the effects of natural hazards, including climate change.	Support		Retain as notified
HAZ–NH–P1 – Identifying areas subject to natural hazards Identify areas where natural hazards may adversely affect Otago's people, communities and property by assessing: 1. the hazard type and characteristics, 2. multiple and cascading hazards, where present, 3. any cumulative effects, 4. any effects of climate change, 5. likelihood, using the best available information, and 6. any other exacerbating factors.	Support		Retain as notified

HAZ–NH–P2 – Risk assessments Assess the level of natural hazard risk by determining a range of natural hazard event scenarios and their potential consequences in accordance with the criteria set out within APP6. **APP6 – Methodology for natural hazard risk assessment**	Support	The terminals and pipelines operated by the Fuel Companies are identified as being affected by a number of natural hazards. The recognition of likelihood, consequence (including available and viable risk reduction, and speed of recovery) is supported, noting a that a number of the activities undertaken by the fuel companies must occur at the interface with the CMA but have been shown to be resilient to a range of hazards, for instance at Lyttelton Port through the Christchurch earthquakes.	Retain HAZ-NH-P2 and APP6 as notified
HAZ–NH–P4 – Existing activities Reduce existing natural hazard risk by: 1. encouraging activities that reduce risk, or reduce community vulnerability, 2. restricting activities that increase risk, or increase community vulnerability, 3. managing existing land uses within areas of significant risk to people and communities, 4. encouraging design that facilitates: a. recovery from natural hazard events, or b. relocation to areas of acceptable risk, or c. reduction of risk, 5. relocating lifeline utilities, and facilities for essential and emergency services, away from areas of significant risk, where appropriate and practicable, and 6. enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services.	Support	The terminals and pipelines operated by the Fuel Companies are lifeline utilities. The recognition at 5 that it will not always be appropriate or practicable to relocate such facilities is supported. Similarly enabling upgrade, maintenance and operation of such facilities at 6 is critical to the ongoing operation of these RSI.	Retain as notified
HAZ–NH–P7 – Mitigating natural hazards Prioritise risk management approaches that reduce the need for hard protection structures or similar engineering interventions, and provide for hard protection structures only when: 1. hard protection structures are essential to manage risk to a level the community is able to tolerate, 2. there are no reasonable alternatives that result in reducing the risk exposure,	Support	The prioritisation of lifeline utilities is supported.	Retain as notified

3. hard protection structures would not result in an increase in risk to people, communities and property, including displacement of risk off-site, 4. the adverse effects of the hard protection structures can be adequately managed, and 5. the mitigation is viable in the reasonably foreseeable long term or provides time for future adaption methods to be implemented, or 6. the hard protection structure protects a lifeline utility, or facility for essential or emergency services.			
HAZ–NH–P8 – Lifeline utilities and facilities for essential or emergency services Locate, relocate, and design lifeline utilities and facilities for essential or emergency services to: 1. maintain their ability to function to the fullest extent possible, during and after natural hazard events, and 2. take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.	Support	The recognition of the interrelationships between lifeline utilities is supported.	Retain as notified
HAZ–NH–P9 – Protection of hazard mitigation measures Protect the functional needs of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by: 1. avoiding significant adverse effects on those measures, utilities or services, 2. avoiding, and only where avoidance is not practicable, remedying or mitigating other adverse effects on those measures, utilities or services, 3. maintaining access to those measures, utilities or services for maintenance and operational purposes, and 4. restricting the establishment of other activities that may result in reverse sensitivity effects on those measures, utilities or services.	Support in part	The title of the policy should refer to lifeline utilities, essential and emergency services. References in the policy should be do the defined term, lifeline utilities.	Rename the policy Protection of hazard mitigation measures<u>, lifeline utilities, essential and emergency services</u> Replace references to utilities with the defined term 'lifeline utilities'.
HAZ–NH–P10 – Coastal hazards In addition to HAZ–NH–P1 to HAZ–NH–P9 above, on any land that is potentially affected by coastal hazards over at least the next 100 years: 1. avoid increasing the risk of social, environmental and economic harm from coastal hazards, 2. ensure no land use change or redevelopment occurs that would increase the risk to people and communities from that coastal hazard,	Oppose in part	The intent to avoid increasing risk of harm and encouraging land use change that reduces risk is supported. The zero effect threshold for land use change that would increase risk to people and communities is not required by the NZCPS and is opposed.	Delete clause 2. Retain the balance of the policy as notified.

3. encourage land use change or redevelopment that reduces the risk from that coastal hazard, and 4. ensure decision making about the nature, scale and location of activities considers the ability of Otago's people and communities to adapt to, or mitigate the effects of, sea level rise and climate change.			
Contaminated land			
HAZ–CL–O3 – Contaminated land Contaminated land and waste materials are managed to protect human health, mana whenua values and the environment in Otago.	Support	The NESCS provides a rule framework for the management of contaminated soils in relation to human health but objectives and policies re the same are required in district plans and regional provisions may be appropriate in some circumstances.	Retain as notified.
Hazardous substances	Support in part	As recognised in the s32 analysis, HSNO and HSWA are the primary means of addressing the storage and use of hazardous substances. The experience of the Fuel Companies is that a significant number of Councils going through district plan reviews have been reluctant to remove existing controls which duplicate HSNO and HSWA requirements. A specific policy is sought to ensure this is not the case in Otago.	Provide a specific policy to ensure HSNO and HSWA are not duplicated in lower order plans. Policy X – Avoid duplication of hazardous substance controls provided by other legislation.
HAZ–CL–P13 – Identifying contaminated land Identify sites of known or potentially contaminated land in Otago using the Ministry for the Environment's Hazardous Activities and Industries List.	Support in part	The intent of identifying potentially contaminated land is supported but doing so should not be limited solely to the HAIL. The NESCS can, however, be relied on in the first instance to assess risks arising to human health on potentially contaminated land.	Amend the policy as follows: Identify sites of known or potentially contaminated land in Otago ~~using the Ministry for the Environment's Hazardous Activities and Industries List.~~
HAZ–CL–P14 – Managing contaminated land Actively manage contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment, by: 1. assessing and monitoring contaminant levels and environmental risks, 2. protecting human health in accordance with regulatory requirements,	Oppose in part	Management can include a broad suite of responses depending upon circumstances and risks and incorporate the likes of managed natural attenuation, capping and other mitigation works or receptor pathway	Amend P14 as follows: ~~Actively~~ Manage contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment, by:

3. avoiding, as the first priority, and only where avoidance is not practicable, mitigating or remediating adverse effects of the contaminants on the environment, and 4. requiring closed landfills to be managed in accordance with a closure plan that sets out monitoring requirements and, where necessary, any remedial actions required to address ongoing risks.		management, including managing land use activities through to full remediation of the contaminants. Management allows responses to be fit for purposes in line with risks. Management is not and should not be required to be active. Monitoring should not be required in all circumstances, for instance where residual contamination is stable and contaminant levels are reducing. It is also not appropriate to apply an avoid, remedy mitigate hierarchy in all circumstances for what is existing contamination – reliance should be placed on the requirement to manage contaminated land so that it does not pose an unacceptable risk.	1. assessing and, if required, monitoring contaminant levels and environmental risks, 2. protecting human health in accordance with regulatory requirements, ~~3. avoiding, as the first priority, and only where avoidance is not practicable, mitigating or remediating adverse effects of the contaminants on the environment, and~~ 4. requiring closed landfills to be managed in accordance with a closure plan that sets out monitoring requirements and, where necessary, any remedial actions required to address ongoing risks.
HAZ–CL–P15 – New contaminated land Avoid the creation of new contaminated land or, where this is not practicable, minimise adverse effects on the environment and mana whenua values.	Oppose	The only way to avoid new contaminated land is to avoid the use, storage and disposal of hazardous substances and that in itself is not practicable. This policy should be deleted with other legislation managing the storage and use of hazardous substances and HAZ-CL-P14 addressing the management of contaminated land.	Delete the policy
Urban form and development			
UFD-O2 – Development of urban areas The development and change of Otago's urban areas: 1. improves housing choice, quality, and affordability, 2. allows business and other non-residential activities to meet the needs of communities in appropriate locations,	Support	The recognition of the importance of managing conflict between incompatible activities and provide for the safe and efficient and ongoing use of RSI is supported.	Retain as notified

3. respects and wherever possible enhances the area's history, setting, and natural and built environment, 4. delivers good urban design outcomes, and improves liveability, 5. improves connectivity within urban areas, particularly by active transport and public transport, 6. minimises conflict between incompatible activities, 7. manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS, 8. results in sustainable and efficient use of water, energy, land, and infrastructure, 9. achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure, 10. achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region's urban growth and change, and 11. is guided by the input and involvement of mana whenua.			
UFD–P6 – Industrial activities Provide for industrial activities in urban areas by: 1. identifying specific locations and applying zoning suitable for accommodating industrial activities and their reasonable needs and effects including supporting or ancillary activities, 2. identifying a range of land sizes and locations suitable for different industrial activities, and their operational needs including land-extensive activities, 3. managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on industrial activities, or likely to result in an inefficient use of industrial zoned land or infrastructure, particularly where: a. the area provides for a significant operational need for a particular industrial activity or grouping of industrial activities that are unlikely or are less efficiently able to be met in alternative locations, or b. the area contains nationally or regionally significant infrastructure and the requirements of EIT–INF–P15 apply, and 4. in areas that are experiencing or expected to experience high demand from other urban activities, and the criteria in (3)(a) or (3)(b) do not apply, managing the	Support in part	The need to manage encroachment of non-industrial activities is supported but specific recognition is required in relation to Major Hazard Facilities (see definition sought), noting they might not always fall to be considered infrastructure.	Recognise the importance of providing for MHF by amending clause 3 as follows: 3. managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on industrial activities, or likely to result in an inefficient use of industrial zoned land or infrastructure, particularly where <u>the area</u>: a. ~~the area~~ provides for a significant operational need for a particular industrial activity <u>or</u> grouping of industrial activities that are unlikely or are less efficiently

establishment of non-industrial activities and the transition of industrial zoned areas to other purposes, by first applying (1) and (2).			able to be met in alternative locations, or b. ~~the area~~ contains nationally or regionally significant infrastructure and the requirements of EIT–INF–P15 apply, ~~and~~ or c. contains a Major Hazard Facility, and Retain the balance of the policy as notified.
UFD–M2 – District plans Territorial authorities must prepare or amend their district plans as soon as practicable, and maintain thereafter, to: 1. identify and provide for urban expansion and intensification, to occur in accordance with: a. any adopted future development strategy for the relevant district or region, which must be completed in time to inform the 2024 Long Term Plan, or b. where there is no future development strategy, a local authority adopted strategic plan developed in accordance with UFD-P1, for the relevant area, district or region, 2. in accordance with any required Housing and Business Development Capacity Assessments or monitoring, including any competitiveness margin, ensure there is always sufficient development capacity that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom lines for housing in APP-10, and meets the identified land size and locational needs of the commercial and industrial sectors, 3. ensure that urban development is designed to: a. achieve a built form that relates well to its surrounding environment, including by identifying and managing impacts of urban development on values and resources identified in this RPS,	Support in part	Avoidance rather than minimization of reverse sensitivity is appropriate in relation to NSI, RSI, and MHF	Amend 3 as follows: g. Avoid the potential for reverse sensitivity effects on regionally and nationally significant infrastructure and major hazard facilities.

b. provide for a diverse range of housing, commercial activities, industrial and service activities, social and cultural opportunities, c. achieve an efficient use of land, energy, water and infrastructure, d. promote the use of water sensitive design wherever practicable, e. minimise the potential for reverse sensitivity effects to arise, by managing the location of incompatible activities, and f. reduce the adverse effects of Otago's cooler winter climate through designing new subdivision and development to maximise passive winter solar gain and winter heat retention, including through roading, lot size, dimensions, layout and orientation, 4. identify and provide for locations that are suitable for urban intensification in accordance with UFD-P2, 5. identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD-P3, 6. identify and provide for commercial activities in accordance with UFD-P5, 7. identify and provide for industrial activities in accordance with UFD-P6, 8. manage development in rural areas in accordance with UFD-P7, 9. manage rural residential and rural lifestyle activities in rural areas in accordance with UFD-P8, 10. provide for papakāika, kāika, nohoaka, and marae, in accordance with UFD-P9, and 11. must involve mana whenua and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for at the local level.			

13 September 2021

Otago Regional Council
70 Stafford Street
Dunedin
Attn: ORPS Hearing Committee

By e-mail: RPS@orc.govt.nz

RE: APPLICATIONFOR WAIVER PURSUANT TO SECTION 37 OF THE RESOURCE MANAGEMENT ACT 1991

Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited (*the Fuel Companies*) lodged a submission on the Proposed Otago Regional Policy Statement (*ORPS*) on 13 September 2021. The period for submissions closed on 3 September 2021.

The Fuel Companies appreciate the acknowledgement on the Council's website that the shift into Level 4 lockdown on 17 August has presented a range of challenges, including submitters to the ORPS, and seek a waiver under section 37 of the RMA of the time limit to file submissions. The waiver is sought on the grounds that:

a) The submission will not cause any delay; and

b) No party will be unduly prejudiced by granting the waiver.

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

Mark Laurenson
Principal Planner
4Sight Consulting Limited

LAND. PEOPLE. WATER.

RPS

From: Mark Laurenson <markl@4sight.co.nz>
Sent: Monday, 13 September 2021 12:40 p.m.
To: RPS
Subject: ORPS Submission and waiver - Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited
Attachments: Waiver_FuelCo_ORPS.pdf; Submission_FuelCo_ORPS.pdf; Submission_FuelCo_ORPS.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Submission - Sector stakeholder, LATE

Good afternoon

Attached (including a word document for ease of summarising) is a submission to the proposed Otago Regional Policy Statement 2021 on behalf of Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (the Fuel Companies). The submission is accompanied by a request for a waiver pursuant to s37 of the RMA, recognising it is late. Please confirm receipt.

Thanks
Mark

Mark Laurenson
Principal Planner & Auckland Planning Manager

Mobile: 021 0868 8135

4SIGHT CONSULTING

4SIGHT COVID-19 RESPONSE PLAN

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