

Submission Form (Form 5)

Submission on Proposed Kaipara District Plan

Form 5: Submissions on a Publicly Notified Proposed District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by Monday 30 June 2025 via:

Email: districtplanreview@kaipara.govt.nz (subject line: Proposed District Plan Submission)

Post: District Planning Team, Kaipara District Council, Private Bag 1001, Dargaville, 0340

In person: Kaipara District Council, 32 Hokianga Road, Dargaville; or
Kaipara District Council, 6 Molesworth Drive, Mangawhai

If you would prefer to complete your submission online, from 28 April 2025 please visit:

www.kaipara.govt.nz/kaipara-district-plan-review/proposed-district-plan

All sections of this form need to be completed for your submission to be accepted. Your submission will be checked for completeness, and you may be contacted to fill in any missing information.

Full name:

Phone:

Organisation:

*(*the organisation that this submission is made on behalf of)*

Email:

Postal address:

Postcode:

Address for service: name, email and postal address *(if different from above):*

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

I could not gain an advantage in trade competition through this submission; or

I **could** gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

I am directly affected by an effect of the subject matter of the submission

I **am not** directly affected by an effect of the subject matter of the submission

Signature:



Date:

(Signature of person making submission or person authorised to sign on behalf of person making the submission.)

Please note: all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

I **do not** wish to be heard in support of my submission; or

I do wish to be heard in support of my submission; and if so,

I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

PLEASE FIND ATTACHED SUBMISSION

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)</i>		(3) I seek the following decisions from Kaipara District Council. <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
Chapter/Appendix/ Schedule/Maps	objective/policy/rule/ standard/overlay	Oppose/support (in part or full)	Reasons	

Add further pages as required – please initial any additional pages



SUBMISSION ON PROPOSED KAIPARA DISTRICT PLAN

To: Kaipara District Council
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Address for Services: Channel Terminal Services Limited
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Date: 30 June 2025

INTRODUCTION & SUMMARY

1. This is a submission by Channel Terminal Services Limited (**Channel**) on the Proposed Kaipara District Plan (**Proposed Plan**).
2. Channel has previously provided feedback¹ on the Exposure Draft Kaipara District Plan and the Kaipara District Council's (**Council**) review of the Operative Kaipara District Plan. Channel is pleased that some of its feedback has been incorporated into the Proposed Plan.
3. This submission builds on that earlier feedback.
4. Channel generally supports the policy direction of the Proposed Plan, albeit considers changes are still required to properly reflect the need to maintain the long-term resilience and functionality of the RAP as regionally and nationally significant infrastructure.
5. Channel sets out three principal submissions below, being:
 - (a) Support in principle for the inclusion of protections for the RAP through the "Gas or Petroleum Pipeline Corridor" but seeks that:
 - (i) it be referenced as the "Gas or Fuels Pipeline Corridor" throughout the Proposed Plan, and
 - (ii) the width of the Corridor be extended, including in recognition of comparable provisions of the Auckland Unitary Plan..
 - (b) General support for the infrastructure provisions in the Infrastructure chapter of the Proposed Plan, subject to several amendments. Channel seeks that the relevant rules relating to the Corridor be appropriately cross-referred to in other relevant chapters of the Proposed Plan.

¹ Channel Feedback on Exposure Draft Kaipara District Plan, dated 16 September 2022; and letter on behalf of Channel in response to the letter dated 29 January from Kaipara District Council advising of its undertaking of a review of its Operative District Plan and requesting that Channel confirm the details of its designation, dated 14 March 2025.

- (c) Specific submissions in relation to several other parts of the Proposed Plan.

BACKGROUND TO CHANNEL INFRASTRUCTURE

6. Channel is a wholly owned subsidiary of Channel Infrastructure NZ Limited. Channel owns and operates the Ruakaka to Auckland Pipeline (**RAP**), a 170km long high-pressure pipeline which runs from the fuel import terminal at Marsden Point, through the Kaipara District, to the Wiri Oil Terminal in South Auckland. A variety of fuel products are transported via the RAP, providing the vast majority of Auckland's road transport fuel, and all of Auckland International Airport's aviation fuel. It is the only route for the supply of jet fuel to Auckland International Airport.
7. The RAP is designated along its entire length, including in Designation 63 in Chapter 21 of the current District Plan.²
8. The RAP is identified as regionally significant infrastructure in the higher order planning documents for Northland³, and its uninterrupted and efficient operation is of critical importance nationally.⁴ Channel is a "lifeline utility" under the Civil Defence Emergency Management Act 2002.⁵
9. The national significance of the RAP was noted in the Final Report of the Government Inquiry into the Auckland Fuel Supply Disruption 2019 (**Government Inquiry Report**) which stated that *"[the] incident was a timely reminder of how important this fuel supply infrastructure is for Auckland and New Zealand"*.⁶ The Government Inquiry Report concluded that more could be done to protect the RAP and prevent damage to it, and made several recommendations, including expansion of the legal protection of the RAP through existing mechanisms in the Resource Management Act 1991 (**RMA**).⁷
10. Several recent Government announcements have also highlighted the national significance of the RAP. In a Beehive press release dated December 2024, it was noted that **"fuel security is a top priority for this Government"**.⁸
11. The Government has also recently released proposed reforms to national direction which include the establishment of a National Policy Statement for Infrastructure (**NPS-I**). The NPS-I would require planning decisions to recognise and provide for the benefits of infrastructure,⁹ and ensure the operation, maintenance and upgrade of existing infrastructure is not compromised by the adverse effects of other activities through methods, including the use of buffers in plans, design standards, and special purpose zoning and other spatial planning layers.¹⁰
12. Channel considers the Government's recent initiatives demonstrate a strongly supportive approach to enabling and maintaining the uninterrupted operation, long-term resilience and

² See Chapter 21 – Designation 63. For completeness, we note that the RAP is designated in the Whangarei District Plan (Part 3: Area Specific Matters – Designation CTS-1), and the Auckland Unitary Plan (Chapter K Designation Schedule – Channel Terminal Services Limited numbers 6500 and 6501).

³ See Appendix 3 Regional Policy Statement for Northland and Appendix H.9 Northland Regional Plan. See also PREC-6-O1 of the Marsden Point Energy Precinct within the Heavy Industrial Zone Chapter of the Whangarei District Plan which makes it an objective to *"recognise and provide for the regionally significant infrastructure within Marsden Point Energy Precinct, as identified in the Regional Policy Statement for Northland"*.

⁴ See clause 1.4(1) definition of "nationally significant infrastructure" in the National Policy Statement on Urban Development 2020 as including *"(e) the refinery pipeline between Marsden Point and Wiri"*.

⁵ Schedule 1, Part B(1).

⁶ Page iv.

⁷ See a summary of the recommendations at page vii.

⁸ Press release: Fuel companies required to store more jet fuel. 4 December 2024. <https://www.beehive.govt.nz/release/fuel-companies-required-store-more-jet-fuel>

⁹ Proposed policy 1: [attachment-1.1-national-policy-statement-for-infrastructure.pdf](#)

¹⁰ Proposed policy 9: [attachment-1.1-national-policy-statement-for-infrastructure.pdf](#)

functionality of the RAP as regionally and nationally significant infrastructure, and supports similar treatment in the Proposed Plan.

MATTERS COVERED IN SUBMISSION

13. Channel is concerned to ensure a stable planning and policy regime is in place which:
 - (a) ensures the RAP's continued safe and efficient operation as a physical resource requiring sustainable management pursuant to the RMA;
 - (b) enables its use, operation, maintenance, repair and upgrade;
 - (c) discourages incompatible and inappropriate third-party use and development where they may compromise the safe and efficient operation of the RAP; and
 - (d) avoids sensitive activities in proximity to the RAP, including to avoid reverse sensitivity type effects.
14. Channel's primary submission, in principle, supports the protections for the RAP through a "Gas or Petroleum Pipeline Corridor", which recognises the importance of regionally significant infrastructure such as Channel's RAP, and provide for its safe and efficient operation.
15. However, Channel is concerned that:
 - (a) the Corridor be amended to be the "Gas or Fuels Pipeline Corridor" to reflect the long-term vision for the Marsden Point Import Terminal, including investment in technologies, such as refining/production in biofuels and e-fuels.
 - (b) the Corridor established be of an appropriately justified and carefully considered width to ensure that it provides appropriate notice to all plan users.
16. Closely tied to this primary submission, Channel outlines its support for the provisions in the Infrastructure chapter of the Proposed Plan, subject to several amendments. Channel also seeks that the relevant rules relating to the Corridor are appropriately cross-referred to in other relevant chapters of the Proposed Plan to improve plan readability, and to establish that, in the event of potentially conflicting plan provisions, the provisions in the Infrastructure chapter should take precedence.
17. Channel also makes specific submissions on the following parts of the Proposed Plan:
 - (a) Maps / Zones;
 - (b) Cross Boundary Matters;
 - (c) Definitions;
 - (d) Strategic Directions;
 - (e) Contaminated Land;
 - (f) Hazardous Substances;
 - (g) Ecosystems and Indigenous Biodiversity;
 - (h) Subdivision;

- (i) Earthworks; and
- (j) Designations.

SUPPORT FOR THE INCLUSION OF GAS OR PETROLEUM PIPELINE CORRIDOR

18. Channel supports, in principle, the inclusion in the Proposed Plan of a Gas or Petroleum Pipeline Corridor.
19. The Proposed Plan definition provides that “Gas or Petroleum Pipeline Corridor”:

means an area measured 6m from the edge of the designation for gas or petroleum transmission and is shown on the Planning Maps.
20. Channel broadly acknowledges and supports:
 - (a) That the Corridor is mapped in the planning maps (as sought in Channel's Exposure Draft feedback).
 - (b) The operative provisions relating to the Corridor within the Infrastructure chapter, for example rules INF-R54 and INF-R57, subject to clarification as to their application (we return to this below).
21. However, Channel considers that the proposed Gas or Petroleum Pipeline Corridor:
 - (a) should be renamed as the “Gas or Fuels Pipeline Corridor”;
 - (b) should be clarified as to its application either side of the relevant designations to which it relates;
 - (c) appears to be of an arbitrary width with no clear justification;
 - (d) has, since the Exposure Draft Kaipara District Plan, been reduced in the area it covers without explanation;¹¹ and
 - (e) should be amended to better reflect the area it is intended to cover.
22. Channel considers that the Corridor should reflect the spatial extent of planning controls that apply. A Corridor that is too narrow fails to capture the areas where Proposed Plan provisions relating to the corridor apply. Channel considers that this is uncertain for both plan users and Channel as the RAP operator. Specifically:
 - (a) Several provisions in the Proposed Plan use the phrase “*within the gas or petroleum pipeline corridor*” and then go on to state that, for example, “*any proposed building platform must be at least 20m from the ... pipeline.*”¹² Channel considers this is inherently contradictory. A user reading the heading may assume that the rule applies only within the mapped 6m corridor.
 - (b) Channel considers that the planning maps are one of the first tools users consult when assessing what rules may apply to a site. If the corridor on the map does not fully

¹¹In its feedback on the Exposure Draft Kaipara District Plan,¹¹ Channel provided support in principle for the definition of “Gas or Oil Pipeline Corridor”. The Exposure Draft Kaipara District Plan provided that the Gas or Oil Pipeline Corridor meant “*an area measured 15m from the edge of the designation for gas and petroleum transmission.*”

¹² Rule INF-R57.

encompass the area to which rules apply, then landowners, developers, and even council officers may be more likely to misinterpret the plan provisions.

23. For reference, Channel records that the emergency management area (**EMA**) provisions in the Auckland Unitary Plan (**AUP**) contain a wider mapped area, being 34m from the edge of the designation (we replicate at **Appendix A** the AUP EMA provisions). In this respect, a wider mapped Corridor in the Proposed Plan would improve consistency across the district boundary.

Relief sought

24. Channel seeks that the Gas or Petroleum Pipeline Corridor be retained, subject to:
- (a) renaming it as the “Gas or Fuels Pipeline Corridor”, and
 - (b) amending the definition to clarify that it applies from each edge of the relevant designations to which it relates, so that the definition reads: “*means an area measured 6m from ~~the~~ each edge of the relevant designation for gas or petroleum transmission and is shown on the Planning Maps*”, and
 - (c) establishing an appropriately justified and carefully considered width which maintains consistency across the district boundary, and that the applicable rules are carefully designed to achieve the objective and policy framework, including INF-P12.

SUPPORT FOR INFRASTRUCTURE CHAPTER

25. Channel supports the inclusion of a standalone chapter providing for infrastructure.

Infrastructure Objectives

26. Objective INF-O1 provides:

Effective, resilient, efficient and safe infrastructure across the Kaipara District that:

- a. Provides essential and secure services, including in emergencies;*
- b. Facilitates local, regional, national or international connectivity;*
- c. Contributes to the economy and support a high standard of living;*
- d. Integrates with subdivision, use and development ; and*
- e. Enables people and communities to provide for their health, safety and wellbeing.*

27. Channel supports Objective INF-O1. It considers that the Objective gives effect to Objective 3.8 and Policies 5.2.1, 5.2.2 and 5.3.3 of the NRPS.

28. Objective INF-O2 provides:

The adverse effects of infrastructure on the environment are avoided, remedied or mitigated, while recognising:

- 1. The functional need or operational need of infrastructure;*
- 2. That positive effects of infrastructure may be realised locally, regionally or nationally.*

29. Channel supports Objective INF-O2 on the basis that it gives effect to the higher-order policy direction around recognising the benefits of regionally significant infrastructure.¹³ However, Channel does not consider that it is necessary nor appropriate for all effects associated with infrastructure to be avoided, remedied, or mitigated.
30. Objective INF-O3 provides:
- The safety, efficient operation, maintenance, repair or upgrading of infrastructure is not constrained or compromised by new incompatible land use, subdivision or development.*
31. Channel supports Objective INF-O3 as it protects infrastructure from potential adverse reverse sensitivity effects. This gives effect to both the NRPS (which provides for coordinated development and protection against reverse sensitivity effects),¹⁴ and the pRPN (which provides for the protection of regionally significant infrastructure).¹⁵
32. Channel considers that the objectives of the Proposed Plan do not sufficiently recognise and provide for the national significance and benefits of infrastructure such as Channel's RAP. Channel seeks that Objective INF-O4 be appropriately amended to include recognition and provision for infrastructure beyond the National Grid.

Relief sought

33. Channel seeks that Objectives INF-O1 and INF-O3 be retained as drafted.
34. Channel seeks that Objective INF-O2 be amended to read:
- The adverse effects of infrastructure on the environment are avoided, remedied or mitigated as far as practicable, while recognising:*
1. *The functional need or operational need of infrastructure;*
 2. *That positive effects of infrastructure may be realised locally, regionally or nationally.*
35. Channel seeks that Objective INF-O4 be amended to read:
1. *The national significance and benefits of the National Grid and other Regionally Significant Infrastructure are recognised and provided for; and*
 2. *The National Grid and other Regionally Significant Infrastructure is not compromised by other subdivision, use and development.*

Infrastructure Policies

36. Channel generally supports the Policies in the Infrastructure Chapter.
37. Channel supports Policies INF-P1, INF-P3, INF-P6, INF-P11 and INF-P12 of the Proposed Plan which appear to:

¹³ See for example Objective 3.7 and Policies 5.3.2 and 5.3.3 of the Regional Policy Statement for Northland. See also Objective F.1.6 and Policy D.2.5 of the proposed Regional Plan for Northland.

¹⁴ See for example Objective 3.6 and Policy 5.1.1 of the Regional Policy Statement for Northland.

¹⁵ See for example Policy D.2.11 of the proposed Regional Plan for Northland.

- (a) set out a framework for addressing the risks associated with activities located close to the RAP by managing encroachment of land uses in proximity to it; and
- (b) ensure that the operation of the RAP is not unduly compromised by surrounding incompatible land uses by providing for management.

38. Policy INF-P14 provides:

Manage the use of hazardous substances in the Gas or Petroleum Pipeline Corridor... in order to avoid the potential for high-risk events which would impact people's health and safety, cause property damage and disruption to supply.

- 39. INF-P14 appears to place the onus on the network utility operators to manage hazardous substances within the corridor. However, Channel considers this misdirects the policy response and does not appropriately reflect the nature of the risk or the party in control of those risks.
- 40. Channel considers that the primary concern is not the RAP itself, which is subject to rigorous safety, design, and operational standards, but the activities of third parties who may introduce incompatible land uses nearby. These third-party activities, which may involve use of hazardous substances, have the potential to adversely affect infrastructure.

Relief sought

- 41. Channel seeks that Policies INF-P1, INF-P3, INF-P6, INF-P11 and INF-P12 be retained as drafted.
- 42. Channel seeks that Policy INF-P14 be amended as follows:

Manage ~~the use of hazardous substances~~ third-party activities that are located in proximity to the Gas or Petroleum Pipeline Corridor and in proximity to the National Grid in order to avoid ~~the potential for~~ high-risk events which would impact people's health and safety, cause property damage and disruption to supply.

Infrastructure Rules

- 43. Channel generally supports the rules and rule framework set out in the Infrastructure Chapter – subject to clarification as to the definition and width of the Gas or Fuels Pipeline Corridor, and the rules applying to the same.
- 44. Channel generally supports Rules INF-R53, INF-R54, INF-R55, INF-R56 and INF-R57 which appear to:
 - (a) address the risks associated with activities located close to the RAP by managing encroachment of such activities in proximity to it; and
 - (b) ensure that the operation of the RAP is not unduly compromised by surrounding incompatible land uses by providing for management.
- 45. However:
 - (a) Channel considers that matters over which discretion is restricted in Rules INF-53 and INF-R54 should also include the extent to which the proposed activities are likely to compromise the development of the RAP. This would ensure Channel's ability to expand/modify the RAP where required is not unintentionally constrained by proximate

land use. This aligns with the need to maintain long-term resilience and functionality of the RAP as regionally and nationally significant infrastructure. Amending Rule INF-R53 would also ensure consistency with other rules in this part of the Proposed Plan.

- (b) Channel considers that, for the same reasons recorded earlier in this submission, the spatial extent of rules relating to the Gas or Petroleum Pipeline Corridor be reviewed and, as necessary, amended. For example, it is not clear to Channel the basis for the provision in INF-R57 for a proposed building platform to be located at least 20m from the gas [or fuels] pipeline.
- (c) Channel considers that the Advice Note attaching to Rule INF-R57 'Subdivision of land within the gas or petroleum pipeline corridor' relating to notification is appropriate and should also attach to Rules INF-R53 'New structures or buildings located within the gas or petroleum pipeline corridor' and INF-R54 'New sensitive activities located within the gas or petroleum pipeline corridor'.
- (d) Channel considers that the following cross-references in other chapters of the Proposed Plan should be incorporated to ensure plan-users are aware of these rules relating to the Gas or Petroleum Pipeline Corridor. This includes, for example, cross-referencing:
 - (i) Rules INF-53 and INF-R54 within the General Rural Zone [in particular Rules GRUZ-R3 and GRUZ-R4 which purport to make residential units and minor residential units a permitted activity in certain circumstances];
 - (ii) Rule INF-R55 within the Earthworks Chapter;
 - (iii) Rule INF-R56 within the Hazardous Substances Chapter; and
 - (iv) Rule INF-R57 within the Subdivision Chapter.
- (e) Channel considers the intention of Rule INF-R56 is to prevent third parties from storing or using hazardous substances within the Gas or Petroleum Pipeline Corridor. Accordingly, Channel considers that Rule INF-R56 should be amended to ensure it does not inadvertently capture gas or petroleum pipeline operators.
- (f) Channel notes that there appear to be typographical errors in Rules INF-R55, INF-R56, and INF-R57 where there are various inconsistencies of references to the "gas transmission pipeline corridor", "gas transmission pipeline", "gas pipeline", "gas or oil pipeline" and "Oil or Petroleum Pipeline Corridor". These should be amended to appropriately reflect a **Gas or Fuels Pipeline Corridor**.

Relief sought

46. Channel seeks that the matters over which discretion is restricted in Rule INF-R53 be amended as follows:

- a. *The extent to which the proposed activities are likely to compromise the stability or integrity of the gas or the petroleum transmission network and their operation, maintenance, ~~and~~ upgrading and development;*
- b. *The risks of hazards affecting public or individual safety and the risk of property damage;*
- c. *Measures proposed to avoid or mitigate potential adverse effects on the gas or petroleum transmission network;*

- d. *Technical advice provided by the owner and operator of the gas or petroleum transmission network, including on the assessment of risk;*
 - e. *The outcome of any consultation with the owner and operator of the gas or petroleum transmission network; and*
 - f. *Whether the activity could be located at a greater distance from the gas or petroleum transmission network.*
47. Channel seeks that the spatial extent of the infrastructure rules be clarified, and if appropriate, amended.
48. Channel seeks that the Advice Note attaching to Rule INF-R57 (reproduced below) also attach to Rules INF-R53 and INF-R54:
- Note:**
If a resource consent application is made under this standard, the owner and operator of the gas or petroleum transmission network will be considered an affected person in accordance with section 95E of the Act and notified of the application, where written approval is not provided.
49. Channel seeks that the following cross-references be incorporated into other chapters within the Proposed Plan, including (without limitation):
- (i) Rules INF-53 and INF-R54 within the General Rural Zone;
 - (ii) Rule INF-R55 within the Earthworks Chapter;
 - (iii) Rule INF-R56 within the Hazardous Substances Chapter; and
 - (iv) Rule INF-R57 within the Subdivision Chapter.
50. Channel seeks that Rule INF-R56 be amended as follows:
- a. *Other than by the operators of the Oil or Petroleum Pipeline Corridor, ~~a~~Any new storage or use of hazardous substances with explosive or flammable intrinsic properties within the ~~Oil~~ Gas or Petroleum Pipeline Corridor.*
51. Channel seeks that, in addition to the above substantive amendments, for the same reasons explained above, all references within the relevant rules be amended to refer to the “Gas or Fuels Pipeline Corridor” and/or “gas or fuels transmission pipeline”.

SPECIFIC SUBMISSIONS ON OTHER PROPOSED PROVISIONS

Maps / Zones

Mapping of the RAP and Corridor

52. Channel confirms that the mapped extent and location of its designation for the RAP is correct.
53. However, Channel notes that there appears to be two minor errors in the Proposed Plan maps:
- (a) The “layer” name within the maps which refers to “Gas or **Oil** Pipeline Corridor” but should be amended to be the “Gas or Fuels Pipeline Corridor”; and

- (b) Channel's designation unique identifier is incorrectly shown as "s". This appears to be a typographical error. The correct designation unique identifier should be "CTS D-1".

Relief sought

54. Channel seeks that the mapping of the RAP be retained as drafted.
55. Channel seeks that the planning maps be amended to replace the layer name from "Gas or Oil Pipeline Corridor" to "Gas or Fuels Pipeline Corridor".
56. Channel seeks that the planning maps be amended to replace the designation unique identifier for the RAP from "s" to "CTS D-1".

Maintaining rural zoning around the RAP

57. The RAP passes through parts of Kaipara District that are (and historically have been) rurally zoned in the Operative District Plan. The alignment for the RAP was carefully selected and planned, taking into account a range of factors, including landform, risk factors, and potential impacts from surrounding land uses. Development, including housing, has and will continue to progress,¹⁶ so effectively managing potential land use conflicts is important.
58. Channel considers that the Proposed Plan should avoid zoning incompatible uses proximate to each other. Retaining the rural zoning as mapped in the Proposed Plan contributes to the management of incompatible land use by supporting the RAP to function as intended without undue constraints or reverse sensitivity issues.
59. Channel supports that areas around the RAP maintain rural zoning to ensure the RAP's continued safe and efficient operation as regionally (and nationally) significant infrastructure. When assessing whether to rezone the rural land surrounding the RAP, the Council should consider potential direct impacts on the RAP, third party land use and structures, as well as reverse sensitivity-type issues.

Relief sought

60. Channel seeks that the mapping and rural zoning around the RAP be retained as proposed.

Cross Boundary Matters

61. Channel is concerned to ensure consistency in relation to management of the RAP which traverses Whangarei, Kaipara and Auckland districts. Channel supports the inclusion in the Proposed Plan of provisions addressing cross boundary matters. However, considers the Proposed Plan should go further to provide for a collaborative and consistent approach to the management of infrastructure that crosses territorial authority boundaries (such as the RAP).
62. Channel submits that the Proposed Plan should:

¹⁶ For example, due to an increased focus on urban development, including through national direction such as the National Policy Statement on Urban Development.

- (a) recognise and provide for infrastructure that crosses territorial authority boundaries as requiring a coordinated and consistent approach; and
- (b) align with regional and national policy frameworks, including the AUP EMA provisions.

Definitions

Regionally Significant Infrastructure

63. Channel supports the inclusion of a definition for “Regionally Significant Infrastructure”, which replicates part of the definition of “Regionally Significant Infrastructure” in the NRPS and the proposed Regional Plan for Northland (**pRPN**).

64. Channel supports, in principle, those parts within the definition which provide:

Main pipelines for the distribution or transmission of natural or manufactured gas or petroleum and key delivery points and storage facilities.

...

Infrastructure extends also to mean the site related components that enable the asset to function.

65. Channel considers that:

- (a) the definition should be guided by higher-order documents which set the policy direction and regional approach to regionally significant infrastructure, as well as setting out an inclusive, non-exhaustive definition. These higher-level planning documents for Northland recognise and protect regionally significant infrastructure, including the RAP.¹⁷ In accordance with the RMA¹⁸, district plans must give effect to any regional policy statement and must not be inconsistent with a regional plan;
- (b) the definition in the Proposed Plan is a subset of the regionally significant infrastructure that is most relevant to the Kaipara district. However, the definition should not be limited only to the infrastructure listed;
- (c) it would be appropriate to reference the higher-order documents in the definition; and
- (d) for the same reasons as traversed earlier, the definition be amended refer to “gas or liquid fuels”.

Relief sought

66. Channel seeks that the definition of “Regionally Significant Infrastructure” be amended as follows:

Has the same meaning as set out in the Regional Policy Statement for Northland and the proposed Regional Plan for Northland and includes means:

- a. *Main pipelines for the distribution or transmission of natural or manufactured gas or ~~petroleum~~ liquid fuels and key delivery points and storage facilities;*

¹⁷ See for example Appendix 3, Objectives 3.7, 3.8 and 3.9, and the Policies and Methods set out at part 5.3 of the Regional Policy Statement for Northland. See also Appendix H.9, Objective F.1.6, and Policies D.2.5 and D.2.11 of the proposed Northland Regional Plan (appeals version).

¹⁸ Section 75 Resource Management Act 1991

- b. Key facilities required for communication (including telecommunication, broadband, wireless networks and radio);*
 - c. The 'national grid' as defined by the Electricity Industry Act 2010 including facilities for the transmission of electricity from the 'national grid' (such as substations, grid injection points etc.) to the 'network';*
 - d. Network electricity lines and associated infrastructure that constitute the sub-transmission network;*
 - e. Electricity distribution assets which supply essential public services (such as hospitals or lifelines facilities), large (1MW or more) industrial or commercial consumers, 1000 or more consumers or are difficult to replace with an alternative supply if they are compromised";*
 - f. Electricity generation facilities (including Ngāwhā geothermal power station and Wairua hydroelectric power station) which supply electricity to either the national grid or the local distribution network;*
 - g. Regional and district council water storage, trunk lines and treatment plants;*
 - h. Regional and district council wastewater trunk lines and treatment plants and key elements of the stormwater network including treatment devices; or*
 - i. Flood management / protection schemes managed by regional and / or district councils.*
- Infrastructure extends also to mean the site related components that enable the asset to function.*

Sensitive activities

67. The Proposed Plan provides for the following definition of "sensitive activity":

means all or any of the following:

- a. an educational facility, including a childcare facility, wananga and kohanga reo,*
- b. a residential activity, including papakainga building, rest home, retirement village, visitor accommodation, home stay;*
- c. a healthcare activity; and*
- d. a hospital.*

68. Channel supports the definition on the basis that it appropriately encompasses activities which may have increased sensitivity to certain effects.

Relief sought

69. Channel seeks that the definition of "sensitive activity" be retained as drafted.

Strategic Directions Chapter

70. Reverse sensitivity can arise in connection with operation of infrastructure. As development occurs, Channel is concerned to ensure that the introduction of new activities, including sensitive activities, is managed appropriately to provide requisite levels of amenity whilst managing risk and enabling use and development.

71. Channel supports Objective SD-VK-O6 *Reverse sensitivity*, which provides:

Reverse sensitivity effects between incompatible activities and zones are avoided where practicable, or otherwise mitigated.

72. However, Channel is concerned that the Proposed Plan does not adequately address reverse sensitivity issues, particularly in relation to activities occurring across zone boundaries.
73. The Exposure Draft included a standalone chapter dedicated to reverse sensitivity. However, this has been removed in the Proposed Plan. While Channel acknowledges that there are provisions within the various Zone chapters that refer to reverse sensitivity, these provisions are generally limited to managing effects within that specific zone. For example, the Rural Zone focuses on addressing reverse sensitivity arising from rural subdivision impacting primary production. However, the Zone provisions do not comprehensively manage reverse sensitivity issues that arise between adjacent zones – particularly where sensitive land uses are introduced near regionally significant infrastructure like the RAP.
74. Channel considers that the removal of a dedicated reverse sensitivity chapter results in a lack of clarity and consistency. While some objectives and policies addressing reverse sensitivity exist in the Infrastructure chapter, these are not easily identifiable or accessible to plan users. For instance, a landowner seeking to subdivide in a rural zone near the RAP may not be aware of those infrastructure-related reverse sensitivity objectives and policies, as there is no cross-reference from the relevant Zone chapter, nor is there a general chapter directing users to consider reverse sensitivity more broadly.
75. To address these concerns, Channel seeks that the Proposed Plan reinstate a standalone reverse sensitivity chapter to ensure that reverse sensitivity issues, particularly those occurring across zone boundaries and in proximity to infrastructure, are clearly identified and consistently managed.
76. Channel also seeks that the Proposed Plan cross-reference the relevant reverse sensitivity provisions within the Gas or Petroleum Pipeline Corridor provisions in the Infrastructure chapter. This would improve visibility for plan users, such as those proposing subdivision, who may identify the presence of infrastructure like the RAP through the maps and be directed to the relevant provisions.
77. **In the alternative**, if a dedicated chapter is not reinstated, Channel seeks that the Proposed Plan embed clear cross-references within the relevant Zone chapters to the infrastructure provisions that manage reverse sensitivity.
78. Channel considers these changes are necessary to ensure that the Proposed Plan appropriately manages reverse sensitivity risks and provides clear direction to plan users.

Relief sought

79. Channel seeks that Objective SD-VK-O6 be retained as drafted.
80. Channel seeks that a Reverse Sensitivity chapter be reinstated in the Proposed Plan.
81. Channel seeks that the Proposed Plan cross-reference the relevant reverse sensitivity objectives/policies within the Gas or Petroleum Pipeline Corridor provisions.
82. **In the alternative**, Channel seeks that the Proposed Plan embed clear cross-references within the relevant Zone chapters to the infrastructure and Gas or Petroleum Pipeline Corridor provisions that manage reverse sensitivity.

Contaminated Land Chapter

83. Channel generally supports the provisions in the Contaminated Land chapter, particularly the decision not to include any rules and to avoid unnecessarily duplicating the existing regulations under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS) and the relevant provisions of the Northland Regional Plan.

Relief sought

84. Channel seeks that the Contaminated Land chapter be retained as drafted.

Hazardous Substances Chapter

85. Channel generally supports the approach to managing hazardous substances in this chapter of the Proposed Plan. While Channel does not have specific comments on the provisions, they do not appear to be intended to manage existing underground pipelines for transport of gas and petroleum products. Accordingly, Channel considers that the provisions should clearly state, for example, through an advice note, that the hazardous substances provisions do not apply to existing gas or petroleum pipelines.
86. Additionally, Channel reiterates its submission that the Hazardous Substances chapter cross-reference Rule INF-R56 of the Infrastructure provisions.

Relief sought

87. Channel seeks that the Contaminated Land chapter be retained as drafted, with the following additions:
- (a) An advice note be included that provide that the provisions in this chapter are not intended to apply to existing gas and petroleum pipelines.
 - (b) That the chapter appropriately cross-reference Rule INF-R56 of the Infrastructure provisions.

Ecosystems and Indigenous Biodiversity Chapter

88. Channel supports the approach taken in the Ecosystems and Indigenous Biodiversity chapter, in particular, Policy ECO-P2. Further, Channel considers that Rule ECO-R1(1)(I)(ii) reflects that a pragmatic approach is required to allow vegetation clearance for operation, repair or maintenance existing infrastructure.

Relief sought

89. Channel seeks that the Ecosystems and Indigenous Biodiversity chapter be retained as drafted.

Subdivision Chapter

90. Channel does not have specific comments on the provisions managing subdivision in this chapter of the Proposed Plan. However, Channel reiterates its submissions outlined above:
- (a) regarding the lack of comprehensive management of reverse sensitivity issues that arise between adjacent zones (which are relevant to subdivision); and
 - (b) that the Subdivision chapter cross-reference Rule INF-R57 of the Infrastructure provisions.

Relief sought

91. Channel seeks the Subdivision chapter appropriately cross-reference Rule INF-R57 of the Infrastructure provisions.

Earthworks Chapter

92. Channel supports the provisions the Earthworks chapter, particularly Objective EW-O1, Policies EW-P1 and EW-P5, Rule EW-R1, and Standards EW-S1 and EW-S3 which recognise the need to enable earthworks in a way that facilitates infrastructure.
93. Additionally, Channel reiterates its submission that the Earthworks chapter cross-reference Rule INF-R55 of the Infrastructure provisions.

Relief sought

94. Channel seeks that the objectives, policies and standards of the Earthworks chapter be retained as drafted, but that the Earthworks chapter appropriately cross-reference Rule INF-R55 of the Infrastructure provisions.

Designation to be rolled over with no amendment

95. Channel is the requiring authority in respect of designation D63 in the Operative District Plan (CTS D-1 in the Proposed Plan).
96. Channel has recently consulted with the Council in relation to its designation.¹⁹ As part of that exercise, Channel undertook a review of its designation and confirmed that no changes are required.
97. As outlined above, Channel notes that there is a typographical error in the maps of the Proposed Plan which requires correction.

¹⁹ Letter on behalf of Channel in response to the letter dated 29 January from Kaipara District Council advising of its undertaking of a review of its Operative District Plan and requesting that Channel confirm the details of its designation, dated 14 March 2025.

Relief sought

98. Channel seeks that the designation be rolled over as per the Operative District Plan with no amendments.

CONCLUSION

99. Channel seeks the relief as stated above, including such ancillary, or alternative and consequential relief as necessary or appropriate.
100. Channel wishes to be heard in support of this submission. If others make a similar submission, Channel would consider presenting a joint case with them at a hearing.
101. Channel could not gain an advantage in trade competition through this submission.

Dated this 30th June 2025

Channel Terminal Services Limited



Jack Stewart
Operations Manager



APPENDIX A – AUP EMA Provisions

E29. Emergency management area – Hazardous facilities and infrastructure

E29.1. Background

For the purposes of this section, the identified hazardous facilities and infrastructure are the Wiri Oil Terminal, Wiri LPG Depot and the high pressure Refinery to Auckland petroleum pipeline.

This section provides a framework to manage the risk of adverse effects on activities located in proximity to existing hazardous facilities and infrastructure.

Hazardous facilities and infrastructure pose a risk to surrounding land uses and can result in emergency events. These are events of low probability but high potential harm to people and damage to property. They may include vapour cloud explosions, large fires or the release of toxic gas which could cause blast overpressure, fragments, heat radiation or poisoning.

Restricting or managing the encroachment of land uses in proximity of certain existing hazardous facilities and infrastructure may be necessary to ensure that risk to those land uses is appropriately managed. This is also to ensure that the operation and potential expansion of the facilities and infrastructure is not compromised by surrounding incompatible or conflicting land uses. Incompatible activities may create a lower threshold of acceptable risk in the receiving environment and generate reverse sensitivity effects. Some of these hazardous facilities and infrastructure are critical to the functioning of Auckland and New Zealand.

The provisions for emergency management areas have two related elements that may be relevant to the activity:

- an inner emergency management area applies to the area closest to the facility, and is subject to the greatest potential effects from emergency events. In addition to the preparation of emergency management plans, building design elements must be considered for all buildings within this area; and
- a Wider Emergency Management Area applies to an area around the inner emergency management area, which requires the preparation of emergency management plans to ensure that activities operating within proximity of the hazardous facilities and infrastructure are aware of the risks and are suitably prepared.

The emergency management areas also restrict sensitive activities or incompatible land uses, including those generating high populations of people.

Sensitive activities contain people intensive activities, or those containing vulnerable populations that would require a greater level of assistance in the case of an emergency scenario, which are defined as “activities sensitive to hazardous facilities and infrastructure”.

E29.2. Objectives [rcp/dp]

- (1) Activities sensitive to hazardous facilities and infrastructure are avoided in emergency management areas.
- (2) The use and development of identified hazardous facilities and infrastructure are not unreasonably constrained by the establishment or expansion of sensitive and incompatible activities.
- (3) The risk to activities in proximity to identified hazardous facilities and infrastructure is at a level acceptable to those types of activities.

E29.3. Policies [rcp/dp]

- (1) Identify emergency management areas around hazardous facilities and infrastructure where this is justified on the basis of a quantitative risk assessment.
- (2) Manage the risk to activities within the emergency management area for the Wiri Oil Terminal and the Wiri LPG Depot to acceptable levels and manage reverse sensitivity effects on the development and operation of the Wiri Oil Terminal and Wiri LPG Depot by:
 - (a) avoiding the establishment or expansion of activities sensitive to hazardous facilities and infrastructure; and
 - (b) limiting the establishment or expansion of incompatible activities; and
 - (c) requiring the preparation and implementation of a site emergency management plan; and
 - (d) requiring buildings within the Inner Emergency Management Area to consider how layout reduces risk of harm to people from an emergency event.
- (3) Consider the risk to activities sensitive to hazardous facilities and infrastructure within 34 metres of the boundary of designations 6500 and 6501 (Petroleum Pipeline) where the pipeline is constructed to a “thin wall” specification.

E29.4. Activity table

Table E29.4.1 Activity table specifies the activity status of land use and development activities located within the emergency management areas for the Wiri Oil Terminal shown in Figure E29.6.1 and Figure E29.6.2 and the Wiri LPG Depot shown in Figure E29.6.3 pursuant to section 9(3) of the Resource Management Act 1991.

Table E29.4.1 and Standard E29.6.1 do not apply to the high pressure Refinery to Auckland petroleum pipeline, only Policy E29.3(3) and Rule E29.5(1) apply.

Where more than one Auckland-wide or zone rule applies to the same activity, then the most restrictive status applies.

Table E29.4.1 Activity table

Activity		Activity status
(A1)	Activities sensitive to hazardous facilities and infrastructure	Pr
(A2)	Activities not otherwise permitted in the Business – Heavy Industry Zone (except Emergency Services within the Business – Heavy Industry Zone)	NC
Development		
(A3)	New buildings within the Inner Emergency Management Area for the Wiri Oil Terminal (Figure E29.6.2) or Wiri LPG Depot (Figure E29.6.3)	C
(A4)	Alterations to buildings that increase the building platform area or building height within the Inner Emergency Management Area for the Wiri Oil Terminal (Figure E29.6.2) or Wiri LPG Depot (Figure E29.6.3)	C

E29.5. Notification

- (1) Any application for resource consent for an activity sensitive to hazardous facilities and infrastructure (including controlled activities) located within 34m of the boundary of designations 6500 and 6501 (Petroleum Pipeline) where the pipeline is constructed to a “thin wall” specification will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity including controlled activities listed in Table E29.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#) and including any person operating within the inner emergency management area.

E29.6. Standards

The following standards apply to all activities located within the wider emergency management area for the Wiri Oil Terminal shown in Figure E29.6.1 and the Wiri LPG Depot shown in Figure E29.6.3.

E29.6.1. Site Emergency Management Plan

- (1) A Site Emergency Management Plan must either be prepared and completed in accordance with the template set out E29.9.1 Site Emergency Management Plan template (non-statutory) or otherwise prepared and completed by a suitably qualified expert (for example a fire safety engineer).

- (2) The Site Emergency Management Plan must be implemented and submitted to Council at least 10 working days prior to the proposed date of commencing any new activity or any change of activity.

Figure E29.6.1 Wider Emergency Management Area for the Wiri Oil Terminal

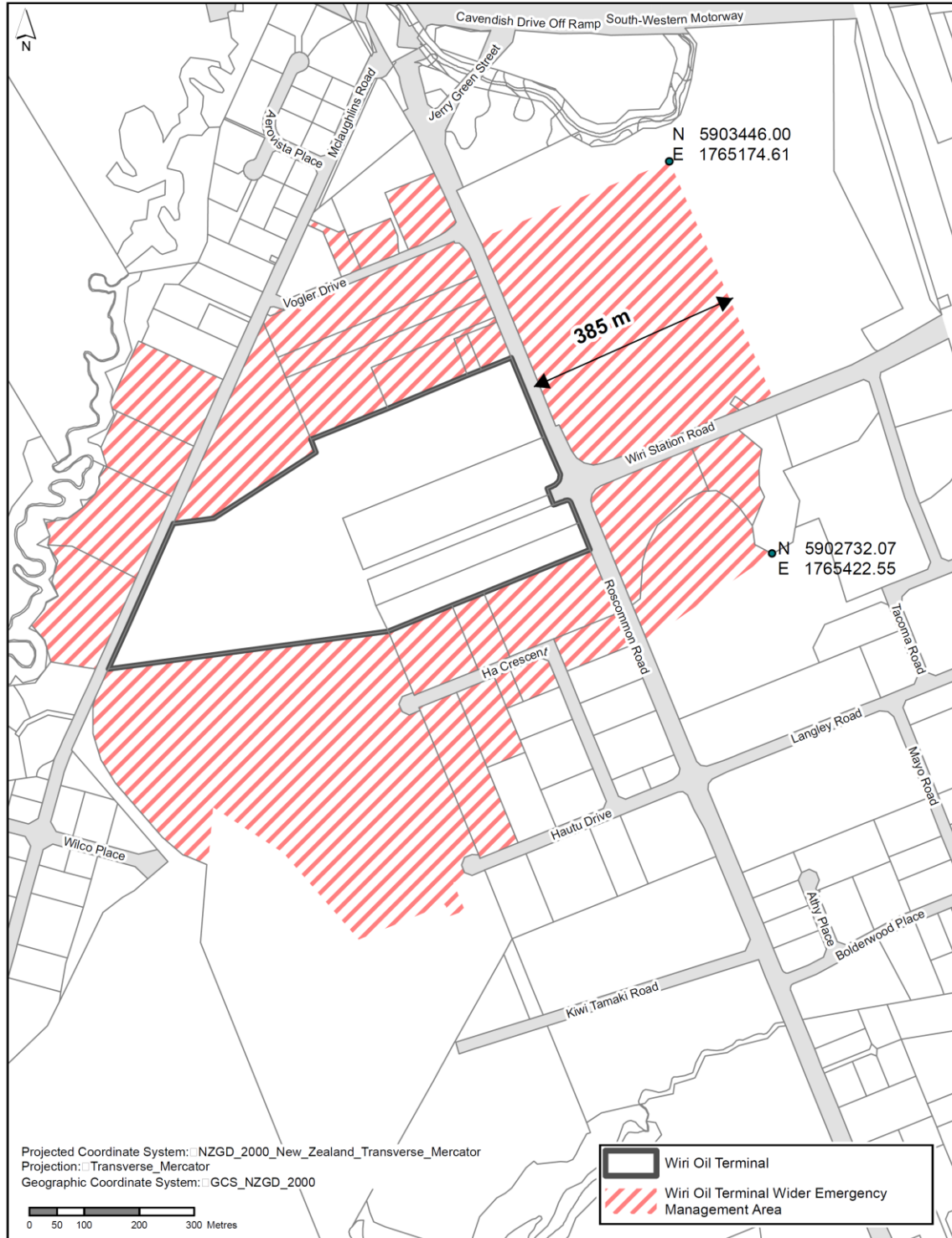


Figure E29.6.2 Inner Emergency Management Area for the Wiri Oil Terminal

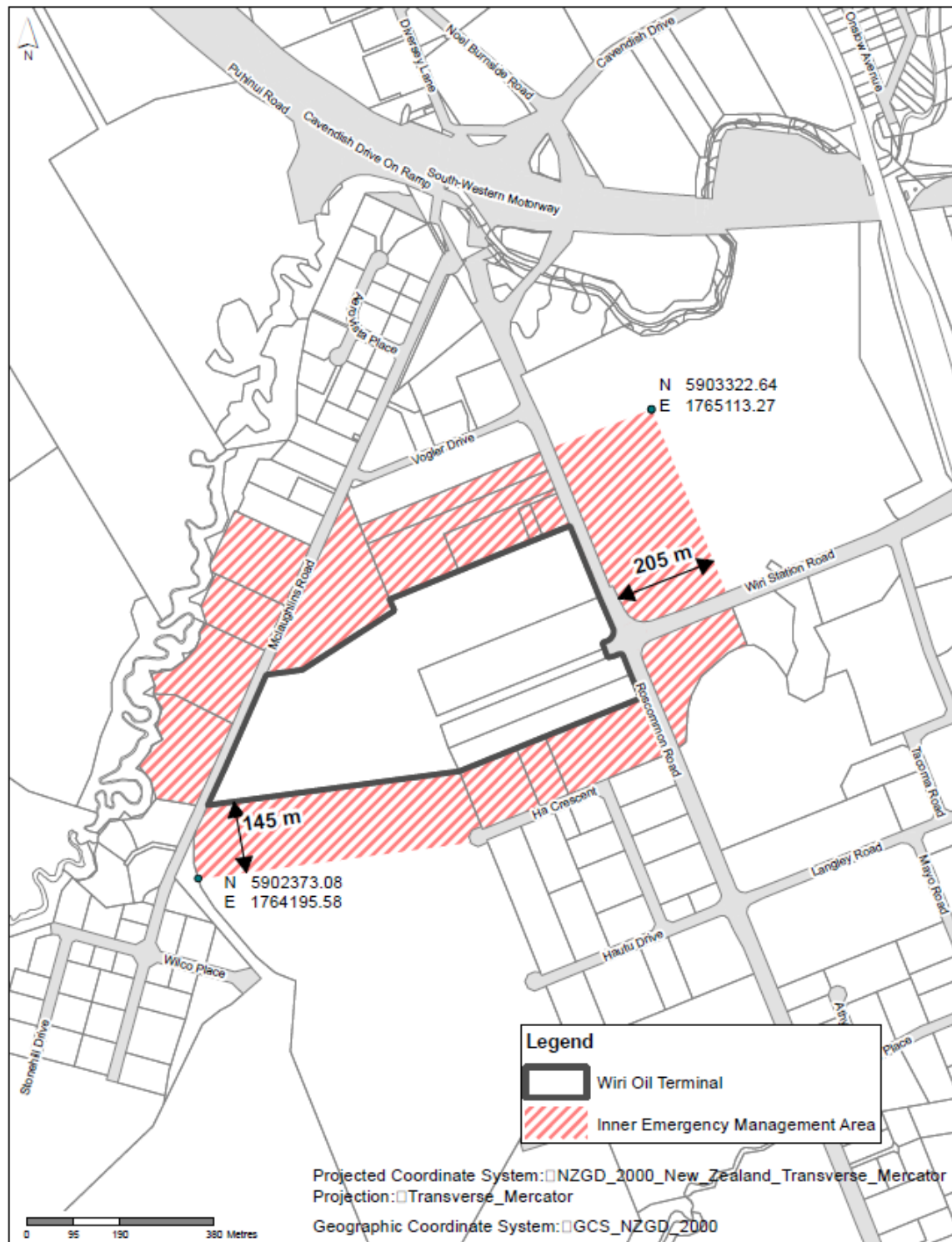
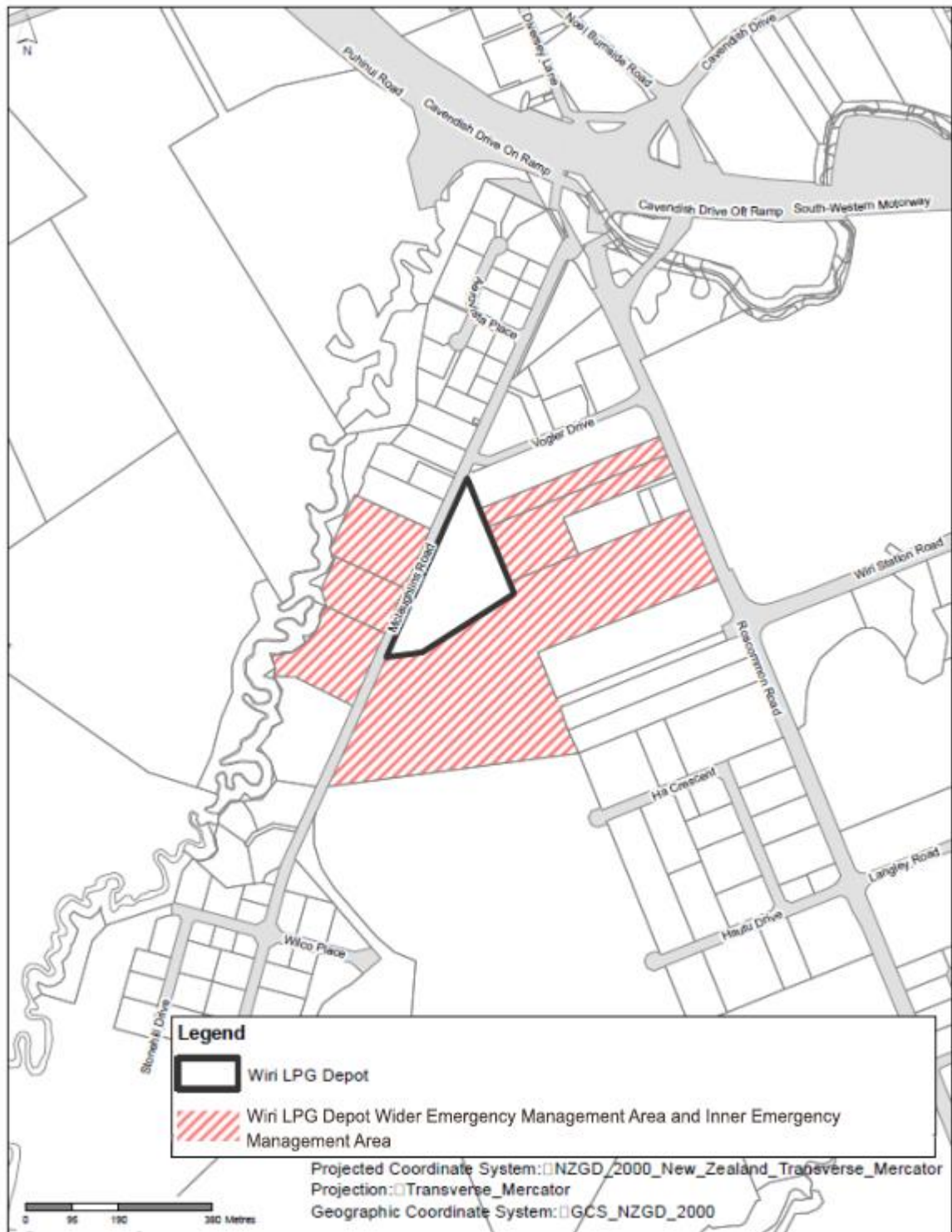


Figure E29.6.3 Wider Emergency Management Area and the Inner Emergency Management Area for the Wiri LPG Depot



E29.7. Assessment – controlled activities

E29.7.1. Matters of control

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) new buildings and alterations to buildings that increase the building platform area or building height within the Inner Emergency Management Area for the Wiri Oil Terminal (Figure E29.6.2) or Wiri LPG Depot (Figure E29.6.3):
 - (a) building layout and mitigation measures for risk management purposes.

E29.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) new buildings and alterations to buildings that increase the building platform area or building height within the Inner Emergency Management Area for the Wiri Oil Terminal (Figure E29.6.2) or Wiri LPG Depot (Figure E29.6.3):
 - (a) the extent to which the design of buildings or alterations to buildings ensures the safety of occupants from an emergency event at the hazardous facility. The following design matters should be considered:
 - (i) layout of the buildings on the site (including the orientation of main building entrances) should maximise the separation of higher occupancy areas (such as offices) from the hazardous facility;
 - (ii) the location of glazing in relation to the hazardous facility. Where it is not practicable to locate windows away from the hazardous facility, consideration should be given to mitigation measures (such as strengthened glass / protective films) to reduce risk of harm to people; and
 - (iii) the location of the emergency egress points to facilitate movement away from the hazard (noting that fire egress doors may still be required on the side of buildings facing the hazardous facility to meet building code requirements).
 - (b) to ensure that operators of hazardous facilities are made aware of proximate activities and potential reverse sensitivity effects, whether the application includes evidence of consultation with the operator of the hazardous facility, including:
 - (i) a copy of the application to the operator 10 working days prior to lodgement of the application with the Council;
 - (ii) details of the nature of the activities in the building or alteration;
 - (iii) details of the number of staff; and
 - (iv) details of the hours of operation.

E29.8. Assessment – restricted discretionary activities

E29.8.1. Matters of discretion

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) any activity that does not comply with Standard E29.6.1:
 - (a) the nature and extent of emergency management planning.

E29.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) any activity that does not comply with Standard E29.6.1:
 - (a) refer to Policy E29.3(2).

E29.9. Special information requirements

There are no special information requirements in this section.

E29.10. Site Emergency Management Plan Template (non-statutory)

Name/Address		
Contact details	Phone Email Website	Fax
Emergency contacts	Name Role Phone	Mobile
	Name Role Phone	Mobile
Contact details of Hazardous Facility / Facilities	Name Role Phone	Mobile
	Name Role Phone	Mobile
Date Plan provided to Auckland Council		
Date copy of Plan provided to Hazardous Facility Operator/s		

Date last updated and reprinted	
Date updated Plan provided to Auckland Council	
Date updated Plan provided to Hazardous Facility Operator/s	

Note 1

For the purposes of this Emergency Management Plan the term 'Hazardous Facility' means (delete any not relevant):

- Wiri Oil Terminal
- Wiri LPG Depot

(1) Purpose

This plan applies in addition to [name of organisation's] own building evacuation plan which addresses incidents arising from its own operations.

This plan outlines how [name of organisation] will respond to a potential emergency arising from the Hazardous Facility and thereby partly satisfies the requirements and obligations of the Resource Management Act 1991 and health and safety legislation. Located within the Hazardous Facility Emergency Management Area, the [name of the organisation] is in a location where it may be subject to such emergency scenarios.

The key hazard at the Hazardous Facility is the storage and handling of large quantities of flammable and combustible materials. There are two particular potential emergency scenarios that could occur at the Hazardous Facility with the potential to impact offsite areas:

- flammable vapour cloud with the risk of ignition and explosion; and
- hazardous substances fire (e.g. tank or bund fire at the Wiri Oil Terminal or LPG fire at the Wiri LPG Depot).

(2) Site plan

A copy of site plan showing location of on-site and off-site safe assembly areas and outside evacuation routes (to be attached as Appendix A).

Safe assembly areas and evacuation routes have been selected and meet the following criteria:

- designated off-site assembly area as far as reasonably practicable from the Hazardous Facility e.g. a minimum of 400 metres from Wiri Oil Terminal site boundary or outside the Inner Emergency Management Area of the Wiri LPG Depot;

- the exits and outdoor evacuation routes avoid cul-de-sacs and routes that take any person closer to the Hazardous Facility. The route(s) lead away from the Hazardous Facility;
- exit points to be used should be as far away from the Hazardous Facility as possible;
- avoid assembly area being adjacent to large areas of glazing; and
- assembly area is preferably in an open area and or removed or remote from buildings.

(3) Notification (relevant only in relation to the Wiri Oil Terminal)

Wiri Oil Terminal provides a warning/notification system in the event of an emergency scenario arising at the Wiri Oil Terminal. The [name of the organisation] will facilitate and enable the notification system to be implemented on site. Although mitigation and warning systems are in place at the Terminal, catastrophic failure of systems can never be ruled out and there may be little or no prior warning.

(4) Response actions (as appropriate):

- Receive notification of incident from the Hazardous Facility or emergency services.
- Avoid operating any electrical switches, including lights, alarms or any other electrical appliances and systems.
- Leave immediately by the nearest safe exit route away from the Hazardous Facility.
- Evacuate on foot in a direction away from the Hazardous Facility to the assembly area.
- Do not rubberneck.
- Do not operate a vehicle.
- Report to the off-site safe-assembly area and building wardens to reconcile staff and visitor / customer names and numbers.
- Do not leave the assembly area or re-enter the building until advised it is safe to do so by the Fire Service.

(5) Plan testing and evaluation

- Practise relevant drills such as evacuation simulations.
- Take part in scheduled Hazardous Facility emergency exercise as requested.
- Fully document all exercises undertaken.
- Address any difficulties and problems encountered during exercises and update Plan as required.

(6) Plan review and updating

Review and update the Plan at least annually and following any change in circumstances

(e.g. physical changes to building or on site activities, exits or routes or personnel).

(7) Attach Site Plan