

SLR Consulting New Zealand

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11 December 2025

SLR Ref No.: Kaipara DP Further Submission of The Fuel Companies Final V1.0

Kaipara District Council

By email: districtplanreview@kaipara.govt.nz**RE: Further Submission on Proposed Kaipara District Plan
Pursuant to Clause 6 of the First Schedule of the
Resource Management Act 1991**

Submitter:bp Oil New Zealand Limited
PO Box 99 873
Auckland 1149Mobil Oil New Zealand Limited
PO Box 1709
Auckland 1140Z Energy Limited¹
PO Box 2091
Wellington 6140Hereafter referred to as the **Fuel Companies****Address for Service:**SLR Consulting New Zealand
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Attention: Miles Rowe

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

Introduction

- 1 bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) are a submitter (submitter number 311) on the Proposed Kaipara District Plan (*PDP*).
- 2 The Fuel Companies' interest in the PDP is greater than the interest of the general public.
- 3 The Fuel Companies further submissions are as contained in the attached Table in **Schedule A**.
- 4 **The Fuel Companies wish to be heard in support of this submission.**
- 5 If others make similar submissions the Fuel Companies may be prepared to consider presenting a joint case with them at any hearing.
- 6 The Fuel Companies could not gain an advantage in trade competition through this submission.

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

Regards,

SLR Consulting New Zealand



Miles Rowe

Team Leader – Hamilton, Planning

Miles.rowe@slrconsulting.com

Attachments: Schedule A



Schedule A

Table 1: Fuel Companies Further Submissions and relief to the Proposed Kaipara District Plan

	Name of submitter	Sub. Ref. number	Provision	Relief sought by original submitter (additions in underline, deletions in strikethrough)	Position of the Fuel Companies	Reason for position and relief sought
FS98.1	Horticulture New Zealand	140.10	Definitions	DELETE the proposed definition wording for "Hazardous Facility". AND ADD a definition for "Significant Hazardous Facility" as follows: <u>Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016.</u> AND Any consequential or alternative amendments required to address the concerns raised by the submitter.	Support	Support for reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations. An amended definition of "significant hazardous facility" is supported.
FS98.2	New Zealand Agricultural Aviation Association	146.6	Definitions	DELETE the definition for "Hazardous Facility".	Support	Support for reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.
FS98.3	New Zealand Agricultural Aviation Association	146.12	Definitions	ADD a definition for "Residual Risk" as follows: <u>This definition only applies to the Hazardous Substances chapter of the District Plan.</u> <u>Residual Risk means any risk of an adverse effect after other industry controls, legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998, the Health and Safety at Work Act (2015) and regional planning instruments, have been complied with.</u>	Support	Residual risk is inherent with all hazardous substance storage and use. It is only appropriate or necessary for the PDP to manage risk associated with Significant Hazardous Facilities, based on the acceptability of residual risk after compliance with HSNO and HSWA legislation and their associated regulations.
FS98.4	New Zealand Agricultural Aviation Association	146.15	Hazardous substances	DELETE the final paragraph (paragraph six) of the Hazardous Substances Overview. AND AMEND the Overview of Hazardous Substances chapter by replacing the final paragraph with the following: <u>Because the District Plan seeks to avoid duplication of requirements that arise under other legislation and regulations the provisions of this chapter are designed to manage the effects of use, storage or disposal of hazardous substances, only to the extent that those effects are not within the scope of existing legislation and regulation, such as residual risk and reverse sensitivity.</u>	Support	The Fuel Companies support the hazardous substances chapter avoiding duplication with HSNO and HSWA legislation and their associated regulations. It is only appropriate or necessary for the PDP to manage risk associated with Significant Hazardous Facilities, as sought by the Fuel Companies submission.
FS98.5	New Zealand Agricultural Aviation Association	146.16	Hazardous substances	AMEND HS-O1 as follows: <u>Hazardous substance use, storage or transport and disposal activities are located, designed and are managed, so that the residual risk to people, property and the environment is acceptable, while recognising the benefits of those activities.</u> AND ADD a definition for "Residual Risk", as sought by the submitter in another submission point.	Support	Residual risk is inherent with all hazardous substance storage and use. It is only appropriate or necessary for the PDP to manage risk associated with Significant Hazardous Facilities, based on the acceptability of residual risk after compliance with HSNO and HSWA legislation and their associated regulations.



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FS98.6	New Zealand Agricultural Aviation Association	146.17	Hazardous substances	<p>AMEND HS-P1 as follows:</p> <p>Hazardous facilities must minimise the risk to the environment (including people and property) by: <u>Storage of hazardous substances: minimise the residual risk to the environment by:</u></p> <ol style="list-style-type: none"> 1. Siting new significant hazardous facilities in appropriate locations that are separated from incompatible activities, such as sensitive land use and infrastructure, and sensitive environments; 2. Designing, constructing and operating hazardous facilities in a manner <u>Managing hazardous substance storage facilities</u> that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site; and 3. Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place and avoiding the storage, processing or disposal of hazardous wastes in sensitive environments. <u>substances using best practice and meeting regulatory standards.</u> <p>AND</p> <p>ADD a definition for "Residual Risk", as sought by the submitter in another submission point.</p>	Support in part	It is only appropriate or necessary for the policy to manage risk associated with Significant Hazardous Facilities, as sought in the submission of the Fuel Companies. This includes ensuring the compatibility of surrounding land use activities. However, residual risk is inherent with all hazardous substance storage and use, and its acceptability should not require the containment of the risk within the site. Clause 2 of the policy should be amended, as sought in the submission of the Fuel Companies.
FS98.7	New Zealand Agricultural Aviation Association	146.18	Hazardous substances	<p>DELETE HS-P2 .</p> <p>AND</p> <p>ADD a new HS-P2 to read as follows:</p> <p><u>Ensure that significant hazardous facilities are appropriately site and managed in order to reduce risks to the environment and community to acceptable levels.</u></p>	Support	The focus of the policy on significant hazardous facilities is appropriate.
FS98.8	New Zealand Agricultural Aviation Association	146.20	Hazardous substances	<p>DELETE HS-R1.1.a.</p> <p>AND</p> <p>AMEND HS-R1.1.a as follows:</p> <p><u>a. The storage, use and disposal of hazardous substances not otherwise specified within the Hazardous substances chapter rules.</u></p>	Support	For the reasons stated in the Fuel Companies submission, the inclusion of hazardous substances quantity tables is inappropriate and duplicates HSNO and HSWA regulations.
FS98.9	New Zealand Agricultural Aviation Association	146.22	Hazardous substances	<p>DELETE HS-R4</p>	Support	For the reasons stated in the Fuel Companies submission, the rules controlling hazardous substance use, storage and disposal are inappropriate.
FS98.10	New Zealand Agricultural Aviation Association	146.23	Hazardous substances	<p>DELETE HS-S1</p>	Support	For the reasons stated in the Fuel Companies submission, the inclusion of hazardous substances quantity tables is inappropriate and duplicates regulations.
FS98.11	Ravensdown Limited	229.3	Definitions	<p>DELETE the definition of "Significant Hazardous Facility" in its entirety.</p> <p>AND</p> <p>Consequential amendments throughout the Proposed District Plan.</p>	Opposed in part	The Fuel Companies agree the current definition should be deleted, as well as the definition for 'hazardous facility', but a replacement definition for 'significant hazardous facility' is needed, as stated in the submission by the Fuel Companies. A new definition is needed so that the PDP does not have inappropriate controls relating to hazardous facilities or the storage and use of hazardous substances. In addition, the PDP must avoid duplication with HSNO and HSWA legislation and their associated regulations.
FS98.12	Ravensdown Limited	229.4	Definitions	<p>AMEND the definition of "Hazardous facility" as follows:</p>	Oppose	Oppose the definition being retained for the reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.



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			<p>Means activities involving hazardous substances and premises at which these hazardous substances are used, stored or disposed of, but. Storage includes vehicles for their transport located at a facility for more than short periods of time and excludes:</p> <ul style="list-style-type: none"> fuel stored in mobile plants, motor vehicles, boats and small engines; the incidental use and storage of hazardous substances in domestic scale quantities;. <p>Activities involving sub-classes not included in the Activity Status Table.</p>		An amended definition should be provided for "significant hazardous facility" as sought in the Fuel Companies submission.
FS98.13	Ravensdown Limited	229.8	Hazardous substances	AMEND HS-P1 as follows: Hazardous facilities must minimise the risk to the environment (including people and property) by: 1. Siting new significant hazardous facilities in appropriate locations that are separated from incompatible activities, such as sensitive land use and infrastructure, and sensitive environments; ...	Oppose As sought in the Fuel Companies submission, the policy should be amended so that it applies only to significant hazardous facilities.
FS98.14	Ravensdown Limited	229.10	Hazardous substances	AMEND HS-P3 as follows: Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully established significant hazardous facilities.	Oppose For the reasons stated in the Fuel Companies submission, it is appropriate that the PDP only controls effects associated with significant hazardous facility. The requested change is opposed.
FS98.15	Ravensdown Limited	229.11	Hazardous substances	AMEND HS-R1 as follows: Activity status: Permitted Where: The aggregate quantity of any hazardous substance of any hazard classification on a site does not exceed the quantity specified for the applicable zone in HS-S1. <u>The storage, use and disposal of hazardous substances not otherwise specified within the 'Hazardous Substances' chapter rules.</u>	Support For the reasons stated in the Fuel Companies submission, the inclusion of hazardous substances quantity tables is inappropriate and duplicates HSNO and HSWA regulations.
FS98.16	Ravensdown Limited	229.13	Hazardous substances	DELETE HS-R4	Support For the reasons stated in the Fuel Companies submission, the rules controlling hazardous substance use, storage and disposal are inappropriate.
FS98.17	Ravensdown Limited	229.14	Hazardous substances	DELETE HS-S1	Support For the reasons stated in the Fuel Companies submission, the inclusion of hazardous substances quantity tables is inappropriate and duplicates regulations.
FS98.18 FS98.40	Northpower Limited and Northpower Fibre Limited	283.3 and 283.118	Hazardous substances	RETAIN objectives and policies relating to hazardous substances for the consideration at resource consent stage. AND DELETE rules relating to hazardous substances. AND Any further necessary consequential amendments required.	Support in part Hazardous substances objectives and policies should be retained/amended, as sought in the submission of the Fuel Companies. Hazardous substances rules should be deleted or applied only to significant hazardous facilities, subject to the definition for significant hazardous facilities being amended.
FS98.19	Silver Fern Farms	287.6	Hazardous substances	RETAIN HS-R1, particularly the activity statuses for "Hazardous Facilities" and "Significant Hazardous Facilities".	Oppose For the reasons stated in the Fuel Companies submission, the inclusion of rules relating to hazardous substances quantity tables are inappropriate and duplicate HSNO and HSWA regulations.



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FS98.20	Silver Fern Farms	287.26	Definitions	RETAIN the definition of "Significant Hazardous Facility" as notified. OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.	Oppose	The current definition is inappropriate and requires amendment for reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.
FS98.21	Silver Fern Farms	287.36	Hazardous substances	AMEND HS-P2 by replacing the reference to "facilities for the use, storage or disposal of hazardous substances in significant quantities" with reference to " <u>Significant Hazardous Facilities</u> ". OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.	Support	Support for the reasons stated in the Fuel Companies submission.
FS98.22	Silver Fern Farms	287.36	Hazardous substances	RETAIN HS-R1 as notified. OR Provisions or wording to similar effect.	Oppose	For the reasons stated in the Fuel Companies submission, the inclusion of rules relating to hazardous substances quantity tables are inappropriate and duplicates HSNO and HSWA regulations.
FS98.23	Transpower New Zealand Limited	292.6	Definitions	DELETE the definition of "Hazardous facility" and replace with the following: <u>Hazardous facility</u> <u>1. Means a facility or activity that involves the use, storage or disposal of any hazardous substance, but excludes:</u> <u>a. the incidental use and storage of hazardous substances in minimal domestic scale quantities;</u> <u>b. retail outlets for hazardous substances intended for domestic usage (e.g., supermarkets, hardware stores and pharmacies);</u> <u>c. the incidental storage and use of agrichemicals, fertilisers and fuel for land based primary production activities;</u> <u>d. pipelines used for the transfer of hazardous substances such gas, oil, trade waste and sewage;</u> <u>e. fuel in motor vehicles, boats, airplanes and small engines;</u> <u>f. the use, transportation, or storage of any hazardous substance for any temporary military training activity;</u> <u>g. the transportation of hazardous substances (e.g., in trucks or trains); or</u> <u>h. mixing and application of hazardous substances solely for the purpose of controlling plant and animal pests on site.</u>	Oppose	Oppose the definition being retained for the reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations. An amended definition should be provided for "significant hazardous facility" as sought in the Fuel Companies submission.
FS98.24	Channel Terminal Services Limited	301.28	Hazardous substances	RETAIN the Hazardous Substances chapter as notified. (note referencing error in the submission) AND ADD an advice note to the Hazardous Substances chapter that provides that the provisions in this chapter are not intended to apply to existing gas and petroleum pipelines. AND ADD a cross reference to INF-R56 in the Hazardous Substances chapter. AND Any ancillary, or alternative and consequential relief as necessary or appropriate.	Oppose in part	The Fuel Companies support the intent of the submission to protect the nationally significant fuel pipeline between Marden Point and Wiri in Auckland. However, changes are need to the chapter overview, policies and rules, as sought in the Fuel Companies submission.
FS98.25	Fire and Emergency New Zealand	308.5	Definitions	RETAIN definition of "Hazardous facility" as notified, subject to relief sought elsewhere.	Oppose	Oppose the definition being retained for the reasons given in the submission by the Fuel Companies, including the PDP



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						avoiding duplication with HSNO and HSWA legislation and their associated regulations. An amended definition should be provided for "significant hazardous facility" as sought in the Fuel Companies submission.
FS98.26	Fire and Emergency New Zealand	308.6	Definitions	RETAIN definition of "Significant Hazardous facility" as notified, subject to relief sought elsewhere in the submission.	Oppose	An amended definition should be provided for "significant hazardous facility" as sought in the Fuel Companies submission.
FS98.27	Fire and Emergency New Zealand	308.37	Hazardous substances	RETAIN HS-P1 as notified.	Oppose	As sought in the Fuel Companies submission, the policy should be amended so that it applies only to significant hazardous facilities.
FS98.28	Fire and Emergency New Zealand	308.38	Hazardous substances	RETAIN HS-R1 as notified subject to the amendments sought to HS-S1.	Oppose	For the reasons stated in the Fuel Companies submission, the inclusion of rules relating to hazardous substances quantity tables are inappropriate and duplicate HSNO and HSWA regulations.
FS98.29	Clarus	309.13	Definitions	AMEND the definition of "Hazardous Facility" as follows: ...and excludes: • the gas transmission pipeline OR Words to similar effect.	Oppose in part	The Fuel Companies support the intent of the submission to protect fuel pipelines. However, the proposed definition for "hazardous facility" should be deleted in full, and an amended definition provided for "significant hazardous facility" as sought in the Fuel Companies submission.
FS98.30	Clarus	309.20	Definitions	RETAIN the definition of "Significant hazardous facility".	Oppose	An amended definition should be provided for "significant hazardous facility" as sought in the Fuel Companies submission.
FS98.31	Clarus	309.51	Hazardous substances	RETAIN the Hazardous Substances chapter.	Oppose	Oppose retaining the hazardous substances chapter as notified to the extent this is inconsistent with the relief sought in the Fuel Companies submission.
FS98.32	Federated Farmers of New Zealand	136.14	Definitions	AMEND the definition of "hazardous facility" as follows: Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage includes vehicles for their transport located at a facility for more than short periods of time and excludes: ... c. the incidental use and storage of hazardous substances in domestic scale quantities; d. incidental storage and use of agrichemicals, fertilisers and fuel for land based primary production activities; and e. activities involving sub-classes not included in the Activity Status Table (add cross-reference to where table is located in Proposed District Plan).	Oppose	Oppose the definition being retained for the reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations. An amended definition should be provided for "significant hazardous facility" as sought in the Fuel Companies submission.
FS98.33	Northpower Limited and Northpower Fibre Limited	283.113	Contaminated land	DELETE the Contaminated Land chapter in its entirety. OR AMEND the provisions contained within the Contaminated Land chapter as suggested in other submission points.	Oppose in part	The Fuel Companies submission has sought that the contaminated land chapter overview, objectives and policies are deleted and replaced. However, deletion of the chapter in its entirety is not supported as it provides a useful policy framework to support the rules in the NESCS.
FS98.34	Northpower Limited and Northpower Fibre Limited	283.114	Contaminated land	AMEND CL-O2 as follows: Remediation and/or site management of contaminated land contributes: 1. To the health and wellbeing of communities; and <u>or</u> 2. Increased development opportunities for future use and development; <u>or</u> 3. <u>the establishment of new infrastructure, or the operation, maintenance, repair and upgrading of existing infrastructure.</u>	Oppose in part	For the reason noted in the Fuel Companies submission, the objective should be deleted and replaced to focus on Council's responsibility to protect human health associated with contaminated land.
FS98.35	Northpower Limited and Northpower Fibre Limited	283.115	Contaminated land	RETAIN CL-P1 as notified.	Oppose in part	For the reason noted in the Fuel Companies submission, the policy should be deleted and replaced to better



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						align with the NESCS and MfE contaminated land guidelines.
FS98.36	Northpower Limited and Northpower Fibre Limited	283.116	Contaminated land	AMEND CL-P2 as follows: "Unless for the purpose of remediation <u>or for the operational or functional need of new or existing infrastructure</u> , discourage the disturbance of contaminated land, where the level, type and toxicity of the contamination could adversely affect human health and safety and the environment."	Oppose	For the reason noted in the Fuel Companies submission, including that it should apply only to human health effects, the policy should be deleted.
FS98.37	Northpower Limited and Northpower Fibre Limited	283.117	Contaminated land	AMEND CL-P4.3. as follows: "4. Disposal of contaminated soil must be carried out in a manner that <u>protects</u> avoids further adverse effects on human health and safety, or on <u>and</u> the environment."	Oppose in part	The Fuel Companies agree that avoidance is not achievable nor necessary in every scenario. However, the policy oversteps Council's responsibilities under the RMA and NESCS and should be deleted and replaced, as sought in the Fuel Companies submission.
FS98.38	Director General of Conservation	304.58	Contaminated land	AMEND CL-P2 to ensure earthworks do not have the potential to create adverse effects associated with kauri dieback.	Oppose	For the reason noted in the Fuel Companies submission, including that it should apply only to human health effects, the policy should be deleted.
FS98.39	Director General of Conservation	304.59	Contaminated land	AMEND CL-P3 to ensure the effects of kauri dieback are avoided, remedied, or mitigated using the rules in the Biosecurity (National PA Pest Management Plan) Order 2022.	Oppose	The policy oversteps Council's responsibilities under the RMA and NESCS and should be deleted and replaced, as sought in the Fuel Companies submission.

