

**SUBMISSION ON PLAN CHANGE 5 TO THE ASHBURTON DISTRICT PLAN PURSUANT TO
CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Ashburton District Council
PO Box 94
Ashburton 7740

Via email: info@adc.govt.nz

Submitter: bp Oil New Zealand Limited
PO Box 99 873
Auckland 1149

Mobil Oil New Zealand Limited
PO Box 1709
Auckland 1140

Z Energy Limited
PO Box 2091
Wellington 6140

Hereafter referred to as the Fuel Companies

Address for Service: 4Sight Consulting Limited
201 Victoria Street West
Auckland Central
Auckland 1010

Attention: Phil Brown
Phone: 027 467 1566
Email: philipb@4sight.co.nz

A. INTRODUCTION

bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) receive, store and distribute refined petroleum products around New Zealand. In the Ashburton District (*the district*), the Fuel Companies' core business relates to retail fuel outlets, including service stations and truck stops.

Ashburton District Council (*ADC* or *Council*) notified Plan Change 5 – Transportation (*PC5*) to the Operative Ashburton District Plan (*district plan*) on 23rd March 2023. PC5 covers five discrete Transportation related topics within the district plan, namely consequential changes resulting from the NPS-UD, mobility and cycle parking, high trip generating activities, and updates to the roading hierarchy.

This submission relates to provisions relating to high trip generating activities, queuing space requirements, and enabling alternative means of transportation. The body of the submission is set out in Schedule A, and the relief sought is provided in Schedule B.

B. THE SPECIFIC PROVISIONS OF THE PDP THAT THE FUEL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS

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 schedules below. Specific changes sought to the provisions are **in red text** with deletions in ~~single strikethrough~~ and additions in single underline. The Fuel Companies support alternative relief that achieves the same outcome(s).

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 the Canterbury Regional Policy Statement;
 - iii. Assist the Council to carry out its functions under Section 31 *RMA*;
 - iv. Meet the requirements of the statutory tests in section 32 *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 proposed plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and
- c) Any other relief required to give effect to the issues raised in this submission.

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

D. IF OTHERS MAKE SIMILAR SUBMISSIONS THE FUEL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING.

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

F. THE FUEL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT –

- I. ADVERSELY AFFECTS THE ENVIRONMENT; AND
- II. DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

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

A handwritten signature in black ink, appearing to read 'Phil Brown', with a stylized, flowing script.

Phil Brown
Senior Planner

28 April 2023

SCHEDULE A

A. HIGH TRIP GENERATING ACTIVITIES

1. PC5 introduces a consent trigger and the requirement to prepare an Integrated Transport Assessment (ITA) for 'any new subdivision or land use activity, or changes in use that exceed the thresholds' for High Traffic Generating Activities (HTGA). For service stations and truck stops, two or more filling points require a Basic Transport Assessment (Basic ITA) and a Full Transport Assessment (Full ITA) is required for six or more filling points.
2. The Section 32 Report indicates that the intent is for these thresholds to only apply where new or expanded service stations (or developments at existing service stations that increase the number of filling points) are proposed¹. This would be consistent with the approach proposed in the Selwyn and Timaru District Plan reviews. As drafted, the Fuel Companies are concerned that the rules may be interpreted as applicable to additions, alterations, and maintenance activities where there will be no material change in vehicle movements. While the proposed ITA requirement does not apply to any development within scope of an existing ITA that has been prepared as part of a granted resource consent, the Fuel Companies are concerned that a number of existing service stations will have established without an ITA and as such may not provide a permitted pathway.

B. QUEUING SPACES

3. PC5 introduces the requirement for service stations to have three queuing spaces on entry to the site, where each queuing space is 6m for sites with fewer than 20 carparks. The Fuel Companies are not opposed to providing queuing spaces and indeed typical service stations provide this at refuelling lanes and car washes. However, the issue giving rise to this proposed amendment is unclear and the requirement for queuing to be provided on entry is not necessary in the context of service stations or to achieve the policy intent.

ELECTRIC VEHICLES

4. The Transport chapter of the district plan contains policies which promote *the efficient use of the District's existing and future transport infrastructure and of fossil fuel usage associated with transportation* (Objective 10.2). PC5 introduces Policy 10.1E, which seeks *to encourage and enable the use of walking and cycling as sustainable forms of transportation*. The Fuel Companies support the promotion of alternative transport means to reduce fossil fuels and consider that at a broad level, PC5 also presents an opportunity to introduce provisions specifically encouraging the use of electric vehicles (EV), with electric vehicle charging stations becoming an increasingly common element in service stations.
5. The introduction of a permitted pathway for EV charging stations would assist with promoting a network of EV charging stations and therefore greater uptake of EV use, reducing fossil fuels and promoting alternative means of transport. This outcome is consistent with the direction of the district plan and with the Canterbury Regional Policy Statement which identifies the importance of transitioning to cleaner technology and fuel sources². It also aligns with other districts, for instance in Timaru and Selwyn, where the recently notified proposed plans have permitted the establishment of EV charging facilities.

¹ Page 3 of the Section 32 report states that 'new or expanded activities of a certain scale would be classified as 'high traffic generators', for example schools with more than 70 students or industrial activities larger than 5000m² GFA'.

² Policy 14.3.2 of the Canterbury Regional Policy Statement.

SCHEDULE B

Table 1: Fuel Companies submission and relief to PC5 to the Ashburton District Plan

Plan Change 5 Provision	Position	Reason	Relief Sought
Section 10: Transport			
New policy	Proposed	A new policy is sought to encourage the establishment of EV charging stations and greater uptake of EV use.	Add a new policy as follows: <u>Policy 10.1G</u> <u>Enable electric vehicle charging stations to serve existing car parks.</u>
<i>Policy 10.3H</i> <i>To ensure that high traffic generating activities promote opportunities for safe and efficient travel other than by private motor vehicle.</i>	Support in part	The Fuel Companies support the encouragement of opportunities for safe and efficient travel but consider this is difficult to achieve in the context of service stations which serve motor vehicles. The intent of the policy can be better achieved with alternative wording. Provision of electric vehicle charging facilities may be one means of promoting travel that is efficient from a sustainability perspective.	Amend Policy 10.3H as follows: <i>Policy 10.3H</i> <i>To ensure that <u>encourage</u> high traffic generating activities <u>to</u> promote opportunities for safe and efficient travel other than by private motor vehicle.</i>
<i>Policy 10.4E</i> <i>Avoid, where reasonably practicable, or else mitigate the adverse effects of high traffic generating activities on the transport network and the amenity of the environment.</i>	Oppose	The Fuel Companies do not consider avoidance of effects on the transport network is realistic in the context of high traffic generating activities. The intent of similar direction re amenity is unclear and the underlying rules do not appear to give effect to that direction. The reference to amenity in the policy is opposed.	Amend Policy 10.4E as follows: <i>Policy 10.4E</i> <i>Avoid, where reasonably practicable, or else mitigate <u>Minimise as far as reasonably practicable</u> the adverse effects of high traffic generating activities on the transport network.</i>

Plan Change 5 Provision	Position	Reason	Relief Sought
<p><i>Policy 10.4F</i></p> <p><i>Promote positive transport effects from high traffic generating activities.</i></p>	Oppose	It is unclear how a high traffic generating activity will promote positive transport effects. In the absence of further information from Council as to how this will be achieved it is opposed.	Delete the policy.
<p><i>10.6 Reasons for Rules</i></p> <p><i>10.6.3 Rooding, Access, Vehicle Crossings and Intersections</i></p> <p>.....</p> <p><i>The rules regulating High Traffic Generating Activities are to ensure significant developments avoid or mitigate adverse effects on the transport network, promote opportunities for travel other than by private motor vehicle, and recognise positive transport effects.</i></p>	Support in part	Additional changes proposed consistent with amendments sought to Policy 10.3H and 10.4E.	<p>Amend note 10.6.3 as follows:</p> <p><i>10.6.3 Rooding, Access, Vehicle Crossings and Intersections</i></p> <p>.....</p> <p><i>The rules regulating High Traffic Generating Activities are to ensure significant developments avoid or mitigate <u>minimise</u> adverse effects on the transport network as far as practicable, promote opportunities for <u>alternative means of</u> travel other than by private motor vehicle, and recognise positive transport effects.</i></p>
<p><i>10.8.1 High Traffic Generating Activities</i></p> <p><i>a) Any new subdivision or land use activity, or changes in use that exceed thresholds set out in Table 10-1 shall be classified as a High Traffic Generator and a restricted discretionary activity.</i></p> <p><i>b) A Basic Integrated Transport Assessment shall be undertaken for activities that exceed the threshold for a Basic Assessment in Table 10-1 below. The relevant assessment matters shall be restricted to those set out in 10.10.1 a. to c. (Safety and efficiency, Design and Layout, and ITA requirements).</i></p>	Support in part	<p>As drafted, the Fuel Companies are concerned that the rules may be interpreted as applicable to additions, alterations, and maintenance activities where there will be no material change in vehicle movements.</p> <p>While the proposed ITA requirement does not apply to any development within scope of an existing ITA that has been prepared as part of a granted resource consent, the Fuel Companies are concerned that a number of existing service stations will have established without an ITA and as such may not provide a permitted pathway.</p>	<p>Amend Standard 10.8.1 as follows:</p> <p><i>10.8.1 High Traffic Generating Activities</i></p> <p><i>a) Any new subdivision or land use activity, or changes in use <u>The development of a new, or expansion of an existing activity that in itself exceeds</u> thresholds set out Table 10-1 shall be classified as a High Traffic Generator and a restricted discretionary activity.</i></p> <p><i>b) A Basic Integrated Transport Assessment shall be undertaken for a <u>new or expanded</u> activity that <u>in itself</u> exceeds the threshold for a Basic Assessment in Table 10-1 below. The</i></p>

Plan Change 5 Provision	Position	Reason	Relief Sought												
<p>c) A Full Integrated Transport Assessment shall be undertaken for activities that exceed the threshold for a Full Assessment in Table 10-1 below. The relevant assessment matters shall be restricted to those set out in 10.10.1 a. to e. (Safety and efficiency, Design and layout, ITA requirements, Heavy vehicles, and Network effects).</p> <p>d) Where an Integrated Transport Assessment has already been approved for the site as part of a granted resource consent, then these rules do not apply to any development that is within scope of that Integrated Transport Assessment and in accordance with the resource consent, unless the resource consent has lapsed.</p> <p>Table 10-1: Thresholds for High Traffic Generating Activities</p> <table border="1" data-bbox="208 850 759 933"> <thead> <tr> <th>Activity</th> <th>Basic Assessment Required</th> <th>Full Assessment Required</th> </tr> </thead> <tbody> <tr> <td>Service station</td> <td>2 filling points</td> <td>6 filling points</td> </tr> </tbody> </table>	Activity	Basic Assessment Required	Full Assessment Required	Service station	2 filling points	6 filling points			<p>relevant assessment matters shall be restricted to those set out in 10.10.1 a. to c. (Safety and efficiency, Design and Layout, and ITA requirements).</p> <p>c) A Full Integrated Transport Assessment shall be undertaken for <u>new or expanded</u> activities <u>that in</u> itself exceeds the threshold for a Full Assessment in Table 10-1 below. The relevant assessment matters shall be restricted to those set out in 10.10.1 a. to e. (Safety and efficiency, Design and layout, ITA requirements, Heavy vehicles, and Network effects).</p> <p>d) Where <u>the expansion of an existing activity is proposed that in itself exceeds the threshold for a Full Assessment in Table 10-1 below, if an</u> Integrated Transport Assessment has already been approved for the site as part of a granted resource consent, then these rules do not apply to any development that is within scope of that Integrated Transport Assessment and in accordance with the resource consent, unless the resource consent has lapsed.</p> <p>Table 10-1: Thresholds for High Traffic Generating Activities</p> <table border="1" data-bbox="1599 1209 2096 1345"> <thead> <tr> <th>Activity</th> <th>Basic Assessment Required</th> <th>Full Assessment Required</th> </tr> </thead> <tbody> <tr> <td>Service station</td> <td>2 filling points</td> <td>6 filling points</td> </tr> </tbody> </table>	Activity	Basic Assessment Required	Full Assessment Required	Service station	2 filling points	6 filling points
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Plan Change 5 Provision	Position	Reason	Relief Sought				
New rule	Neutral	The establishment of a permitted pathway for EV charging stations, for example at service stations, would assist with promoting a network of EV charging stations and therefore greater uptake of EV use.	Provide a permitted activity pathway for EV charging stations. This could be achieved as set out below. The Fuel Companies are open to alternative rules to achieve the same intent. <u><i>Electric Vehicle Charging Stations</i></u> <u><i>The installation of a new, or replacement of existing, electric vehicle charging stations is a permitted activity, provided that the charging unit does not exceed:</i></u> <ul style="list-style-type: none"> - <u><i>2.5m in height</i></u> - <u><i>10m² in footprint</i></u> 				
<p><i>10.8.12 Queuing Requirements</i></p> <p>.....</p> <p><i>(d) Where the following facilities are provided within a site, minimum queuing spaces shall be provided in accordance with Table 10-7 below:</i></p> <p>.....</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Queuing Spaces</th> </tr> </thead> <tbody> <tr> <td><i>Service stations</i></td> <td><i>3 queuing spaces on entry to the site</i></td> </tr> </tbody> </table>	Activity	Queuing Spaces	<i>Service stations</i>	<i>3 queuing spaces on entry to the site</i>	Oppose in part	PC5 introduces the requirement for service stations to have three queuing spaces <u>on entry</u> to the site, where each queuing space is 6m for sites with fewer than 20 carparks. The Fuel Companies are not opposed to providing queuing spaces and indeed typical service stations provide this at refuelling lanes and car washes. However, the requirement for this to be located on entry is not necessary to achieve the policy intent. It is also unclear what issue this seeks to address, noting that typical service station layouts provide significant queuing provision.	Delete the requirement for queuing spaces on entry to service station sites.
Activity	Queuing Spaces						
<i>Service stations</i>	<i>3 queuing spaces on entry to the site</i>						