

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First  
Schedule of the Act under s120 of the  
Act

BETWEEN BP OIL NEW ZEALAND LIMITED  
& OTHERS

(ENV-2018-CHC-291)

... (continued on separate page)

Appellants

AND DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 20 September 2021

Date of Correction: 6 October 2021

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**CORRECTION TO CONSENT ORDER**

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[1] On 20 September 2021, the court issued a consent order resolving part of the Earthworks and Major Hazard Facilities Bundle relating to provisions of the proposed Dunedin City Second Generation District Plan ('2GP').

[2] Counsel for the Council have filed a memorandum dated 30 September 2021 noting that the appeal point by BP Oil New Zealand Limited & Others<sup>1</sup> (‘the Oil Companies’) allocated as DCC Reference number 354 was not included in the court’s consent order despite this appeal point being recorded as resolved by the consent memorandum dated 9 June 2021.<sup>2</sup> The Council explains the appeal point was included at [1] of the draft consent order filed but was omitted from the list of appeal points to be resolved at [3](b) of that draft.

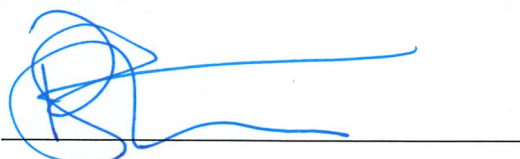
### **The court’s power to correct errors**

[3] Section 278 of the Resource Management Act 1991 and Rule 11.10 of the District Court Rules 2014 specifies that the court has the power to correct errors, including accidental slips or omissions.

### **Outcome**

[4] I am satisfied the omission of the Oil Companies appeal point<sup>3</sup> in the sealed consent order amounts to a clerical error arising from an accidental slip. Accordingly, the court orders that the part of the appeal by BP Oil New Zealand Limited & Others allocated DCC Reference number 354 is resolved and the outstanding parts of the appeal remain to be dealt with at a later date. The remainder of the consent order is unchanged.

[5] The correction is shown in Annexure 1.



**P A Steven**  
**Environment Judge**

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<sup>1</sup> ENV-2018-CHC-291.

<sup>2</sup> Consent memorandum dated 9 June 2021 at [6](a).

<sup>3</sup> DCC reference number 354.

**List of Parties**

ENV-2018-CHC-276	Blueskin Projects Limited & Others
ENV-2018-CHC-247	Port Otago – Port Activities
ENV-2018-CHC-229	Liquigas Limited
ENV-2018-CHC-249	Transpower New Zealand Limited

**ANNEXURE 1**

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First  
Schedule of the Act

BETWEEN BP OIL NEW ZEALAND LIMITED  
& OTHERS

(ENV-2018-CHC-291)

... (continued on separate page)

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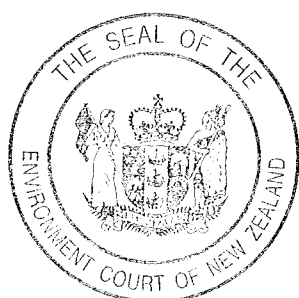
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**CONSENT ORDER**

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A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed to the extent that Dunedin City Council is directed to make the amendments to the provisions of the proposed Dunedin City Second Generation District Plan as shown in Appendix



- 1, attached to and forming part of this order (including any consequential renumbering);
- (2) the parts of the appeals by:
- (a) BP Oil New Zealand Limited & Others allocated DCC Reference numbers 181, 346, 349, 351, 355, 356, 359 and 374 are resolved and the outstanding parts of the appeal remain to be dealt with at a later date;
  - (b) Blueskin Projects Limited & Others allocated DCC Reference number 149 is resolved and the outstanding parts of the appeal remain to be dealt with at a later date;
  - (c) Port Otago Limited – Port Activities allocated DCC Reference numbers 369 and 370 are resolved and the outstanding parts of the appeal remain to be dealt with at a later date;
  - (d) Liquigas Limited allocated DCC Reference numbers 40, 58, 59, 62, 64, 69, 74, 76, 81, 84, 88, 89, 100, 102, 108, 110, 120, 123, 128, 129, 132 and 133 are resolved and the outstanding parts of the appeal remain to be dealt with at a later date;
  - (e) Transpower New Zealand Limited allocated DCC Reference number 97 is resolved and the outstanding parts of the appeal remain to be dealt with at a later date.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

## REASONS

### Introduction

[1] This consent order addresses a number of appeals by BP Oil New Zealand Limited & Others,<sup>1</sup> and others,<sup>2</sup> against the decision of the Dunedin City Council

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<sup>1</sup> ENV-2018-CHC-291.

<sup>2</sup> ENV-2018-CHC-276 Blueskin Projects Limited & Others, ENV-2018-CHC-247 Port Otago –

regarding provisions of the proposed Dunedin City Second Generation District Plan ('2GP').

[2] The appeals address five topics collectively referred to as "the Earthworks and Major Hazard Facilities bundle". Each topic is addressed by a consent memorandum and accompanying affidavits as detailed below:

Topic	Consent memorandum dated	Affidavit(s) of
NES – Soil (earthworks) <sup>3</sup>	15 October 2019	S Hickey and A Johnson both affirmed 15 October 2019.
Provisions for earthworks – small scale <sup>4</sup>	27 May 2020	S Hickey affirmed 18 June 2021 and L Patterson affirmed 28 June 2021.
Port Activity in the Industrial Port Zone (earthworks) <sup>5</sup>	28 May 2020	S Hickey affirmed 18 June 2021.
Management of reverse sensitivity (broad) <sup>6</sup>	31 July 2020	P Rawson affirmed 29 June 2021.
Protecting major hazard facilities from reverse sensitivity (hazard facility mapped areas) and bulk fuel storage infrastructure provisions <sup>7</sup>	9 June 2021	P Rawson affirmed 29 June 2021.

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Port Activities, ENV-2018-CHC-229 Liquigas Limited and ENV-2018-CHC-249 Transpower New Zealand Limited.

<sup>3</sup> ENV-2018-CHC-291 BP Oil New Zealand Limited & Others.

<sup>4</sup> ENV-2018-CHC-276 Blueskin Projects Limited & Others.

<sup>5</sup> ENV-2018-CHC-247 Port Otago – Port Activities and ENV-2018-CHC-291 BP Oil New Zealand Limited & Others.

<sup>6</sup> ENV-2018-CHC-291 BP Oil New Zealand Limited & Others, ENV-2018-CHC-229 Liquigas Limited and ENV-2018-CHC-249 Transpower New Zealand Limited.

<sup>7</sup> ENV-2018-CHC-291 BP Oil New Zealand Limited & Others and ENV-2018-CHC-229 Liquigas Limited.

[3] I have read and considered each consent memoranda, the accompanying affidavits and the memorandum of counsel dated 1 July 2021. I am satisfied that the amendments sought are appropriate and the grant of the relief sought will not impact on the resolution of any other proceeding.

#### **Other relevant matters**

[4] A number of parties gave notice of an intention to become a party to one or more of these appeals under s274 of the Resource Management Act 1991 ("RMA"). All those s274 parties whose interest extends to the matters resolved by this order have signed the relevant memoranda seeking the orders.

[5] The parties to the appeal agree that costs should lie where they fall and accordingly no order for costs is sought.

[6] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

#### **Outcome**

[7] All parties to the proceeding have executed the memoranda requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.

  
**P A Steven**  
**Environment Judge**





**List of Parties**

ENV-2018-CHC-276	Blueskin Projects Limited & Others
ENV-2018-CHC-247	Port Otago – Port Activities
ENV-2018-CHC-229	Liquigas Limited
ENV-2018-CHC-249	Transpower New Zealand Limited

**APPENDIX 1**

## Definition of Bulk Fuel Storage Facilities

### **Bulk Fuel Storage Facilities**

Facilities used for the bulk storage of natural or manufactured gas and petroleum (including biofuel) that store:

- over 15 tonnes of gas; or
- over 1 million litres of petroleum.

For the sake of clarity, this definition includes:

- the loading and unloading of fuel, and
- any ancillary activities necessary for the functioning of the facility, including but not limited to staff offices and facilities.

Bulk fuel storage facilities are included in the definition of Industry. **{Liquigas 58, Liquigas 59, Oil Companies 374}**

## Definition of Bulk Fuel Storage Facilities Sensitive Activities

### **Bulk Fuel Storage Facilities Sensitive Activities**

For the purposes of provisions applying within the **hazard facility mapped area**, activities where people are at greater risk from hazards associated with bulk fuel storage facilities.

These consist of:

- community of leisure
- early childhood education
- entertainment and exhibition
- office
- major facility activities (other than major recreation facility in the Stadium Zone and port activity in industrial zones)
- residential; and
- visitor accommodation. **{Liquigas 62, Liquigas 84, Oil Companies 181}**

## Definition of Industry

### **Industry**

The use of land and buildings for any of the following:

- manufacturing, assembly, processing, storage, repair, maintenance, and packing of goods and materials, including machinery or vehicles
- transport facilities including distribution centres, collection points, courier depots and bus depots (except where passengers are picked up or dropped off)
- depots for the storage and dispatch of vehicles, equipment, and/or materials, and the administration and dispatch of workers using these in the field
- bulk fuel storage facilities **{Liquigas 58, Liquigas 59, Oil Companies 374}**
- laboratory or factory-based research
- waste management facilities including refuse transfer and recycling stations
- property and equipment maintenance services
- vehicle repair and testing stations; and
- wholesale.

For the sake of clarity, this definition includes:

- any ancillary offices and staff facilities; and
- the generation of energy from the combustion of biomass waste that is the by-product of industry.

This definition excludes:

- bakeries ancillary to food and beverage retail; and laboratories ancillary to any major facility activities or office activity, which are included as part of those definitions, respectively
- activities otherwise defined as working from home; and
- direct 'customer facing' retail sales, which is provided for under the definition of retail and included in 19.3.3 activity status table as 'retail ancillary to industry'.

The following activities are managed as sub-activities of industry:

- industrial ancillary tourism
- rural contractor and transport depots; and
- rural industry.

Industry is an activity in the industrial activities category.

## Definition of Network Utilities

### Network Utilities

Any systems, services and networks associated with:

- the investigation and generation of electricity, and of other forms of energy such as heat
- the transmission and distribution of electricity, and of other forms of energy such as hot water or steam
- municipal and domestic water, wastewater and stormwater supply, treatment and drainage
- the storage, transmission and distribution of natural or manufactured gas, petroleum, or biofuel, or geothermal energy (excluding where part of bulk fuel storage facilities or service stations) **{Oil Companies 356}**
- telecommunications and radiocommunication
- navigational aids
- meteorological facilities
- air quality monitoring facilities; and
- river flow recording facilities.

In order to be considered a network utility under the provisions of this plan, it is not necessary for a network utility to be operated by a 'network utility operator' as defined in the RMA.

## Definition of Reverse sensitivity

### Reverse sensitivity

When lawful activities that create effects beyond site boundaries (such as noise, odour, traffic movements, electromagnetic interference or risk or electromagnetic interference) are affected by uses that may be sensitive to these effects establishing or intensifying nearby that may have sensitivity to, and subsequently complain about these effects; and seek to thereby limit the ability of the activities to continue curtail or constrain the activities.

**{Transpower 97, Oil Companies 351, Liquigas 40}** Lawful activities in the context of this definition refers to: existing lawfully established activities, permitted activities, designations and consented activities that are likely to establish. The most common example is new residential activities establishing next to farming or industrial operations, or airports, which can lead to the new residents complaining about noise, odour or other nuisance effects from those established activities.

### Policy 2.2.6.2

Manage the risk posed by the storage and use of hazardous substances to an acceptable level through rules that so that it is no more than low, including through rules that:

- a. limit the quantity of different hazardous substances that may be used in different environments (zones); and
- b. restrict bulk fuel storage facilities sensitive activities from locating or expanding within a **hazard facility mapped area**. *{Oil Companies 181}*

**Policy 2.2.6.X**

Give effect to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 by including a policy to support the implementation of regulations provided by that national environmental standard. *{Oil Companies, 349}*

**Policy 2.3.1.X**

Enable the safe and efficient operation of bulk fuel storage facilities through rules that restrict activities that are sensitive to the risk from these facilities (bulk fuel storage facilities sensitive activities) from locating or expanding within a **hazard facility mapped area**. *{Liquigas 64, Oil Companies 181 and 374}*

**Rule 5.6.2 Setback from Network Utilities**

1. Earthworks must be set back at least 2.5m from any water mains and at least 1.5m from all other network utility structures, except:
  - a. Earthworks within 12m of a National Grid support structure, which are managed through Rule 5.6.1;
  - b. Earthworks ancillary to network utility activities including earthworks associated with roading/accessways leading to and from network utility activities;
  - X. earthworks ancillary to the maintenance or replacement of underground fuel storage systems; *{Oil Companies, 359}* and
  - c. earthworks ancillary to the operation, repair and maintenance of the roading network.
2. Activities that contravene this performance standard are restricted discretionary activities.

**Note 5.6.2A – Other requirements outside of the District Plan**

1. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of earthworks in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001. *{Oil Companies, 359}*

**Note 8A.3.2A – Other requirements outside the District Plan**

1. The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 applies to any piece of land on which an activity described in the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken, or is more likely than not to have been undertaken. On land of this kind, any change of use, disturbance of soil, soil sampling, removal, replacement or upgrade of fuel tanks, and any subdivision will trigger the provisions of the NES, and may require a resource consent. The requirements of the NES are site specific; the DCC Resource Consents team can provide advice on likely requirements in relation to a particular property or activity. Information is also available from the Ministry for the

Environment at [www.mfe.govt.nz/land/nes-assessing-and-managing-contaminants-soil-protect-human-health/about-nes](http://www.mfe.govt.nz/land/nes-assessing-and-managing-contaminants-soil-protect-human-health/about-nes).

2. The Otago Regional Plan: Water manages earthworks undertaken on the bed of any lake or river, and earthworks associated with drilling or bore construction (excluding the deposition of fill resulting from these activities).
  3. The Otago Regional Plan: Waste manages discharges from offal pits, farm landfills and greenwaste landfills, and excavation and use of composting pits, silage pits and silage stacks.
- X. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of earthworks in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001. {Oil Companies, 359}

### Performance Standard 8A.5.1 – Earthworks – Small Scale Thresholds

#### **Rule 8A.5.1.3 Maximum change in finished ground level for earthworks not listed in Rule 8A.5.1.1**

- a. The maximum change in finished ground level to be considered earthworks - small scale is as follows:

Zone/Overlay		Maximum change in finished ground level
i.	Residential, CMU, Industrial, Recreation, Dunedin Botanic Garden, Dunedin Hospital, Edgar Centre, Mercy Hospital, Moana Pool, Otago Museum, School, Stadium, Campus and Wakari Hospital zones	1.5m
ii.	Rural, Rural Residential, Ashburn Clinic, Dunedin International Airport, Invermay and Hercus, and Taieri Aerodrome zones	2m
iii.	GPMA	1m Maximum depth of 250mm (except as required for the foundation of buildings)
iv.	ONF, UBMA, SHS, ONL, ONCC, HNCC	1m
v.	SNL, NCC	1.5m
vi.	1. In an ASBV; 2. Within 20m of a water body <sup>1</sup> or MHWS in the Rural, and Invermay and Hercus zones; or 3. Within 5m of a water body <sup>1</sup> or MHWS in all other zones.	0.5m
vii.	Haz1 (flood) & Haz1A (flood) Haz2 (flood) & Haz3 (flood, alluvial fan)	N/A 0.5m {Blueskin, 149}
viii.	Haz1 (land instability) & Haz2 (land instability)	1m

- b. The following activities are exempt from Rule 8A.5.1.3.a.ii:

- i. Earthworks in the rural zones, as part of a farming activity for the construction of ofal pits, silage pits and farm landfills.

X. The following activities are exempt from Rule 8A.5.1.3.a.vi.3 (within 5m of MHWS):

- i. Earthworks ancillary to port activities in the Industrial Port Zone. {Port, 370}

<sup>1</sup> See Rule 10.3.3.7 for how setbacks from water bodies will be measured.

**Rule 8A.5.1.4 Maximum area for earthworks not listed in Rule 8A.5.1.1**

- a. The maximum area of earthworks to be considered earthworks - small scale is as follows:

Zone/Overlay		Maximum area
i.	GPMA, ONF, UBMA, SHS	50m <sup>2</sup>
ii.	ONL, ONCC, HNCC	100m <sup>2</sup>
iii.	SNL, NCC	200m <sup>2</sup>
iv.	1. In an ASBV; 2. Within 20m of a water body <sup>1</sup> or MHWS in the Rural, and Invermay and Hercus zones; or 3. Within 5m of a water body <sup>1</sup> or MHWS in all other zones.	25m <sup>2</sup>

- b. In zones other than rural zones, the maximum area stated in Rule 8A.5.1.4.a is the cumulative total area of earthworks undertaken on any site in any two calendar-year period.
- c. In rural zones, more than one earthworks activity up to the maximum area stated in Rule 8A.5.1.4.a may be undertaken provided that each earthworks activity is located at least 1km from any other earthworks taking place on the same site within the same two calendar year period.
- d. The following activities are exempt from this standard:
  - i. Earthworks ancillary to network utility activities.
  - X. Earthworks ancillary to the maintenance or replacement of underground fuel storage systems. {Oil Companies, 359}
- X. The following activities are exempt from Rule 8A.5.1.4.a.iv.3 (within 5m of MHWS):
  - i. Earthworks ancillary to port activities in the Industrial Port Zone. {Port, 370}

<sup>1</sup> See Rule 10.3.3.7 for how setbacks from water bodies will be measured.

**Rule 8A.5.1.5 Maximum volume of combined cut and fill for earthworks not listed in Rule 8A.5.1.1**

- a. The maximum volume of combined cut and fill to be considered earthworks - small scale is as follows:

Location		Slope					
		Less than or equal to 12°	Greater than 12° but less than or equal to 15°	Greater than 15° but less than or equal to 20°	Greater than 20° but less than or equal to 26°	Greater than 26° but less than or equal to 35°	Greater than 35°
i.	All zones	30m <sup>3</sup> per 100m <sup>2</sup> of site	25m <sup>3</sup> per 100m <sup>2</sup> of site	15m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup> per 100m <sup>2</sup> of site	0m <sup>3</sup> fill, 5m <sup>3</sup> cut per 100m <sup>2</sup> of site	0m <sup>3</sup>
ii.	GPMA, ONF, UBMA, SHS	10m <sup>3</sup>	10m <sup>3</sup>	10m <sup>3</sup>	10m <sup>3</sup>	0m <sup>3</sup> fill, 10m <sup>3</sup> cut	0m <sup>3</sup>
iii.	ONL, ONCC, HNCC	20m <sup>3</sup>	20m <sup>3</sup>	20m <sup>3</sup>	20m <sup>3</sup>	0m <sup>3</sup> fill, 20m <sup>3</sup> cut	0m <sup>3</sup>
iv.	SNL, NCC	50m <sup>3</sup>	50m <sup>3</sup>	50m <sup>3</sup>	50m <sup>3</sup>	0m <sup>3</sup> fill, 50m <sup>3</sup> cut	0m <sup>3</sup>
v.	1. In an ASBV; 2. Within 20m of a water body or MHWS in the Rural, and Invermay and Hercus zones; or 3. Within 5m of a water body or MHWS in all other zones.	1m <sup>3</sup>	1m <sup>3</sup>	1m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill, 1m <sup>3</sup> cut	0m <sup>3</sup>
vi.	Haz1 (flood) & Haz1A (flood)	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup>
vii.	Haz2 (flood) & Haz3 (flood, alluvia fan) <b>{Blueskin, 149}</b>	20m <sup>3</sup> fill	20m <sup>3</sup> fill	20m <sup>3</sup> fill	20m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup>
X.	<u>Haz2 (flood) &amp; Haz3 (flood, alluvia fan) in a residential zone {Blueskin, 149}</u>	<u>40m<sup>3</sup> fill</u>	<u>40m<sup>3</sup> fill</u>	<u>40m<sup>3</sup> fill</u>	<u>40m<sup>3</sup> fill</u>	<u>0m<sup>3</sup> fill</u>	<u>0m<sup>3</sup></u>



Location		Slope					
		Less than or equal to 12°	Greater than 12° but less than or equal to 15°	Greater than 15° but less than or equal to 20°	Greater than 20° but less than or equal to 26°	Greater than 26° but less than or equal to 35°	Greater than 35°
Y.	Haz2 (flood) & Haz3 (flood, alluvia l fan) in a rural or rural residential zone { <i>Blueskin, 149</i> }	<u>7.5m<sup>3</sup></u> per <u>100m<sup>2</sup></u> of site, or <u>100m<sup>3</sup></u> , whichever is the lesser	<u>6.25m<sup>3</sup></u> per <u>100m<sup>2</sup></u> of site, or <u>100m<sup>3</sup></u> , whichever is the lesser	<u>3.75m<sup>3</sup></u> per <u>100m<sup>2</sup></u> of site, or <u>100m<sup>3</sup></u> , whichever is the lesser	<u>2.5m<sup>3</sup></u> per <u>100m<sup>2</sup></u> of site, or <u>100m<sup>3</sup></u> , whichever is the lesser	<u>0m<sup>3</sup></u> fill, <u>1.25m<sup>3</sup></u> cut per <u>100m<sup>2</sup></u> of site, or <u>100m<sup>3</sup></u> , whichever is the lesser	<u>0m<sup>3</sup></u>
Z.	Haz2 (flood) & Haz3 (flood, alluvia l fan) in all other zones { <i>Blueskin, 149</i> }	<u>20m<sup>3</sup></u> fill	<u>20m<sup>3</sup></u> fill	<u>20m<sup>3</sup></u> fill	<u>20m<sup>3</sup></u> fill	<u>0m<sup>3</sup></u> fill	<u>0m<sup>3</sup></u>
viii	Haz1 (land instability)	10m <sup>3</sup>	10m <sup>3</sup>	10m <sup>3</sup>	10m <sup>3</sup>	0m <sup>3</sup> fill, 10m <sup>3</sup> cut	0m <sup>3</sup>
ix.	Haz2 (land instability)	20m <sup>3</sup>	20m <sup>3</sup>	20m <sup>3</sup>	20m <sup>3</sup>	0m <sup>3</sup> fill, 20m <sup>3</sup> cut	0m <sup>3</sup>
x.	Swale mapped area Dune system mapped area	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>

- b. The maximum volume of combined cut and fill set out in Rule 8A.5.1.5.a is the maximum cumulative volume on any site within any two calendar year period, except that in rural zones:
- i. more than one earthworks activity up to the maximum volume stated in Rule 8A.5.1.5.a.i, vii, X, Y, Z, viii or ix {*Blueskin, 149*} may be undertaken provided that each earthworks activity is located at least 400m from any other earthworks taking place on the same site within the same two calendar year period; and
  - ii. more than one earthworks activity up to the maximum volume stated in Rule 8A.5.1.5.a.ii, iii, iv or v may be undertaken provided that each earthworks activity is located at least 1km from any other earthworks taking place on the same site within the same two calendar year period.
- c. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive volume threshold applies.
- d. The following activities are exempt from this standard:
- i. Earthworks ancillary to network utility activities.

- ii. Earthworks in the rural zones as part of a farming activity for the construction of offal pits, silage pits and farm landfills (exempt from Rule 8A.5.1.5.a.i only).
- X. Earthworks ancillary to the maintenance or replacement of underground fuel storage systems. {Oil Companies, 359}
- X. The following activities are exempt from Rule 8A.5.1.5.a.v.3 (within 5m of MHWS):
  - i. Earthworks ancillary to port activities in the Industrial Port Zone. {Port, 370}

**Note 8A.5.1.5A – Other requirements outside of the District Plan**

- 1. Clause E1 – Surface water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework (including earthworks) in relation to managing surface water and effects on other property.
- 2. Earthworks that will divert water may require resource consent under the Otago Regional Plan: Water.
- 3. If earthworks affect the flow of water, this effect is also subject to the common law principle of natural servitude. {Blueskin, 149}

**Note 8A.5.1.5B – Other relevant District Plan provisions**

- 1. Earthworks for the purpose, or effect, of natural hazard mitigation (for example earth stop-banks and land contour changes) are considered to be Natural Hazard Mitigation Earthworks and require resource consent under Rule 8.3.2. {Blueskin, 149}

**8A.5.4 Setback from property boundary, buildings, structures and cliffs**

- 1. Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup> footprint, and the top or toe of any cliff, the following minimum distances:
  - a. Earthworks not supported by retaining walls:
    - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 8A.5.4A);
    - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 8A.5.4A); and
    - iii. 300mm, as measured from the crest of any cut (see Figure 8A.5.4A).
  - b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (see Figure 8A.5.4B), except:
    - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
  - c. Earthworks ancillary to network utility activities, earthworks ancillary to the operation, repair and maintenance of the roading network, earthworks ancillary to the maintenance or replacement of underground fuel storage systems {Oil Companies, 359} and earthworks ancillary to forestry are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.
- 2. Activities that contravene this performance standard are restricted discretionary activities.

**Policy 9.2.2.15**

Only allow Avoid sensitive activities within a **hazard facility mapped area** where unless the residual risk to people from a low probability but high consequence emergency event at

the hazard facility ~~is of an acceptable level~~ are no more than low. **{Liquigas81, Oil companies 181}**

**Policy 9.2.2.X**

Activities on land that has a history of land use that may have resulted in contamination are managed in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, including by:

- a. at the time of subdivision, land use or when land development activities involving soil disturbance take place, identifying and assessing risk to human health from contaminants in soil, where practicable; and
- b. if necessary based on the intended use of the land, remediating or managing the contaminants to make it safe for human use. **{Oil Companies, 349}**

**Performance Standard 9.3.8 – Location (hazard facility mapped area)**

- 1. ~~Community and leisure – large scale, early childhood education, entertainment and exhibition, major facility activities (other than major recreation facility in the Stadium Zone and port activity in industrial zones), registered health practitioners, residential, training and education and visitor accommodation activities must not be located within the hazard facility mapped area.~~
- 2. ~~Activities that contravene this performance standard are discretionary activities. **{Liquigas 84, Oil Companies 181}**~~

**Assessment Rule 9.7.3.3**

9.7.3 Assessment of discretionary activities	
Activity	Guidance on the assessment of resource consents
<p>3. <del>In a hazard facility mapped area:</del></p> <ul style="list-style-type: none"> <li><del>• Early childhood education – large scale (Recreation Zone)</del></li> <li><del>• Registered health practitioners (Stadium Zone)</del></li> <li><del>• Training and education (Stadium Zone)</del></li> <li><del>• Visitor accommodation (Stadium Zone) <b>{Liquigas 88, Liquigas 100, Liquigas 128, Liquigas 129, Oil Companies 181}</b></del></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li><del>a. Objective 2.2.6</del></li> <li><del>b. Objective 9.2.2</del></li> <li><del>c. The risk to people from a low probability but high consequence emergency event at the hazard facility is no more than low (Policy 9.2.2.15).</del></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li><del>d. The layout of the buildings on the site (including the orientation of main building entrances) maximises the separation of higher occupancy areas (such as offices) from the hazard facility.</del></li> <li><del>e. Glazing is located away from the hazard facility, or where this is not practicable, mitigation measures (such as strengthened glass / protective films) are used to reduce the risk of harm to people.</del></li> <li><del>f. Emergency egress points are located away from the hazard facility.</del></li> <li><del>g. The type and hours of operation, and number of people accommodated, minimises the risk to people if an emergency event occurs.</del></li> </ul>

### 9.7.3 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	<p><i>Conditions that may be imposed include:</i></p> <p>h. Council may require the development of a site management plan and emergency response plan (see Rule 9.9.1) which outlines how the activity will respond to potential emergency arising from the hazard facility. <b>{Liquigas 88, Liquigas 100, Liquigas 128, Liquigas 129, Oil Companies 181}</b></p>

### Assessment Rule 9.7.4.8

### 9.7.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>8. Location (hazard facility mapped area) <b>{Liquigas 88, Liquigas 100, Liquigas 128, Liquigas 129, Oil Companies 181}</b></p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.2.6</p> <p>b. Objective 9.2.2</p> <p>c. the risk to people from a low probability but high consequence emergency event at the hazard facility is no more than low (Policy 9.2.2.15).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>d. the layout of the buildings on the site (including the orientation of main building entrances) maximises the separation of higher occupancy areas (such as offices) from the hazard facility.</p> <p>e. glazing is located away from the hazard facility, or where this is not practicable, mitigation measures (such as strengthened glass / protective films) are used to reduce the risk of harm to people.</p> <p>f. emergency egress points are located away from the hazard facility.</p> <p>g. the type and hours of operation, and number of people accommodated, minimises the risk to people if an emergency event occurs.</p> <p><i>Conditions that may be imposed include:</i></p> <p>h. Council may require the development of a site management plan and emergency response plan (see Rule 9.9.1) which outlines how the activity will respond to potential emergency arising from the hazard facility. <b>{Liquigas88, Liquigas100, Liquigas128, Liquigas129, Oil Companies181}</b></p>

## Assessment Rule 9.8.3.2

9.8.3 Assessment of non-complying land use activities	
Activity	Guidance on the assessment of resource consents
<p>2 In a hazard facility mapped area, <u>bulk fuel storage facilities sensitive activities</u></p> <ul style="list-style-type: none"> <li>• <del>Community and leisure large scale (industrial zones)</del></li> <li>• <del>Major facility activities (industrial, recreation and PPH zones)</del></li> <li>• <del>Major facility activities (other than a major recreation facility) in the Stadium Zone</del></li> <li>• <del>Early childhood education (industrial and stadium zones)</del></li> <li>• <del>Entertainment and exhibition (industrial, recreation, PPH and stadium zones)</del></li> <li>• <del>Registered health practitioners (industrial, recreation and PPH zones)</del></li> <li>• <del>Residential (industrial, recreation and stadium zones)</del></li> <li>• <del>Training and education (industrial and recreation zones)</del></li> <li>• <del>Visitor accommodation (industrial and recreation zones) {<b>Liquigas88, Liquigas100, Liquigas128, Liquigas129, Oil Companies181</b>}</del></li> </ul>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. <del>Objective 2.2.6, Policy 2.2.6.2</del></li> <li>b. <del>Objective 9.2.2</del></li> <li>c. <del>the risk to people from a low probability but high consequence emergency event at the hazard facility is no more than low (Policy 9.2.2.15).</del></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. <del>the layout of the buildings on the site (including the orientation of main building entrances) maximises the separation of higher occupancy areas (such as offices) from the hazard facility.</del></li> <li>e. <del>glazing is located away from the hazard facility, or where this is not practicable, mitigation measures (such as strengthened glass / protective films) are used to reduce the risk of harm to people.</del></li> <li>f. <del>emergency egress points are located away from the hazard facility.</del></li> <li>g. <del>the type and hours of operation, and number of people accommodated, minimises the risk to people if an emergency event occurs. {<b>Liquigas88, Liquigas100, Liquigas128, Liquigas129, Oil Companies181</b>}</del></li> </ul> <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>x. <u>Objective 9.2.2.</u></li> <li>y. <u>Policy 9.2.2.15.</u></li> </ul> <p><i>Related strategic directions:</i></p> <ul style="list-style-type: none"> <li>z. <u>Objective 2.3.1.</u></li> <li>aa. <u>Policy 2.3.1.4.</u></li> <li>bb. <u>Policy 2.3.1.X.</u></li> <li>cc. <u>Objective 2.2.6.</u></li> <li>dd. <u>Policy 2.2.6.2.</u></li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>ee. <u>In considering whether residual risk is of an acceptable level, Council will be guided by the New South Wales Government Risk Criteria for Land Use Safety Planning (refer <a href="https://2qp.dunedin.govt.nz/2qp/supportingdocuments.html">https://2qp.dunedin.govt.nz/2qp/supportingdocuments.html</a>). {<b>Liquigas 88, Liquigas 100, Liquigas 128, Liquigas 129, Oil Companies 181</b>}</u></li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>h. Council may require the development of a site management plan, <u>risk assessment and/or emergency response plans</u> (see Rule 9.9.1)</li> </ul>

### 9.8.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
	which outlines how the activity will respond to a potential emergency arising from the hazard facility. <b>{Liquigas88, Liquigas100, Liquigas128, Liquigas129, Oil Companies181}</b>

### Rule 9.9 Special Information Requirements

#### 9.9.1 Site management and emergency response plans

- X. Council may require a site management plan **{Liquigas 89}** and an emergency response plan to be provided with an application for resource consent for the following activities:
- ~~1.~~ rural industry;
  - ~~2.~~ landfills;
  - ~~3.~~ mining (these plans may form part of a quarry management plan);
  - ~~4.~~ any activity that contravenes the Hazardous Substances Quantity Limits and Storage Requirements performance standard 9.3.4;
- Y. 5. Council may require site management, risk assessment and/or emergency response plans to be provided with an application for resource consent for bulk fuel storage facilities sensitive Aactivities **{Liquigas 89}** within a hazard facility mapped area.

#### Performance Standard 10.3.3 – Setback from Coast and Water Bodies

In all zones, other than the Harbourside Edge Zone, St Clair Neighbourhood Destination Centre, Dunedin Hospital Zone, Dunedin International Airport Zone, Mercy Hospital Zone, Moana Pool Zone, Otago Museum Zone, Port Zone and Wakari Hospital Zone, new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utility activities must be set back a minimum of:

- 20m from mean high water springs (MHWS); and
- 20m from any wetland identified in Appendix A1.2, Schedule of Areas of Significant Biodiversity Value (ASBV);
- 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones;
- 5m from any water body with a clearly defined bed less than 3m in width in the rural zones; and
- 5m from any water body with a clearly defined bed in all other zones;
- Except, the following are exempt from this standard:
  - natural hazard mitigation activities;
  - hydro generators - small scale in the rural and industrial zones;
  - network utility poles and masts for the purposes of supporting lines across a water body;
  - network utility structures - small scale in existing roads that comply with Rule 5.5.2;

- e. the operation, repair, minor upgrading and maintenance of existing network utilities;
  - f. river flow recording facilities;
  - g. navigational aids;
  - h. maimai and whitebait stands on the surface of water;
  - i. post and wire fences;
  - j. bridges, culverts and fords;
  - k. jetties, boat ramps, and wharves;
  - l. signs;
  - m. new buildings and structures, and additions and alterations, with a maximum footprint of 10m<sup>2</sup> associated with used for port activities in the Industrial Port Zone; {Port, 369}
  - n. bird hides, viewing structures and viewing platforms with a maximum footprint of 10m<sup>2</sup> and maximum height of 2m, and boardwalks;
  - o. earthworks associated with the operation, repair and maintenance of the existing roading network;
  - p. irrigation pipes of any size, and other irrigation or stock water structures such as intake structures with a maximum footprint of 2m<sup>2</sup>;
  - X. wharflines, bunkerlines and associated ancillary equipment in the Industrial Port Zone; {Oil Companies, 355}
  - q. earthworks required for any of the activities in (a) - (p X) above; and
  - r. new buildings and structures, and additions and alterations, associated with the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**.
2. For the purposes of this standard, setbacks will be measured from the bank of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank (see Figure 10.3.3A and Figure 10.3.3B).
3. Activities that contravene this performance standard are restricted discretionary activities.

### Rule 16.3.3 Land Use Activity Status Table

1.	Performance standards that apply to all land use activities	<ul style="list-style-type: none"> <li>a. Acoustic insulation (noise sensitive activities only)</li> <li>b. Electrical interference</li> <li>c. Light spill</li> <li>d. Noise</li> <li>e. Setback from National Grid (National Grid sensitive activities only)</li> </ul>				
	Rural activities	Activity status			Performance standards	
		a. R U	b. ONL/ SNL/ NCC	c. ONF/ ONCC/H NCC	d. AS BV	
2.	....					
	Residential activities	a. R U	b. ONL/ SNL/ NCC	c. ONF/ ONCC/H NCC	d. AS BV	Performan ce standards

24	...					
26	Standard residential <u>outside a hazard facility mapped area {Oil Companies, 181}</u>	P	P	NC	NC	i. Density ii. Separation distances iii. Family flats
S.	Standard residential <u>within a hazard facility mapped area {Oil Companies, 181}</u>	NC	NC	N/A	N/A	
27	...					
Community activities		a. R U	b. ONL/ SNL/ NCC	c. ONF/ ONCC/H NCC	d. AS BV	Performance standards
29	...					
T.	Community and leisure <u>within a hazard facility mapped area {Oil Companies, 181}</u>	NC	NC	N/A	N/A	
30	Community and leisure - small scale <u>outside a hazard facility mapped area {Oil Companies, 181}</u>	P	P	P	P	i. Minimum car parking
31	Community and leisure - large scale <u>outside a hazard facility mapped area {Oil Companies, 181}</u>	D	D	D	D+	
32	Early childhood education <u>outside a hazard facility mapped area {Oil Companies, 181}</u>	D	D	D	NC	



U.	Early childhood education within a <b>hazard facility mapped area {Oil Companies, 181}</b>	NC	NC	N/A	N/A	
33	...					
Commercial activities		a. R U	b. ONL/ SNL/ NCC	c. ONF/ ONCC/H NCC	d. AS BV	Performan ce standards
37	Veterinary services (large animal practice) <u>outside a hazard facility mapped area {Oil Companies, 181}</u>	RD	RD	NC	NC	
V.	Veterinary services (large animal practice) <u>within a hazard facility mapped area {Oil Companies, 181}</u>	NC	NC	NC	NC	
38	Visitor accommodation outside the airport <b>noise inner control mapped area and outside a hazard facility mapped area {Oil Companies, 181}</b>	D	D	NC	NC	
W	Visitor accommodation <u>within a hazard facility mapped area {Oil Companies, 181}</u>	NC	NC	N/A	N/A	
39	...					
Major facility activities		a. R U	b. ONL/ SNL/ NCC	c. ONF/ ONCC/H NCC	d. AS BV	Performan ce standards

47	Cemeteries <u>outside a hazard facility mapped area</u> {Oil Companies, 181}	RD	RD	NC	NC	i. Separation distances
X.	Cemeteries <u>within a hazard facility mapped area</u> {Oil Companies, 181}	NC	NC	N/A	N/A	
48	Crematoriums <u>outside a hazard facility mapped area</u> {Oil Companies, 181}	RD	RD+	NC	NC	i. Minimum car parking
Y.	Crematoriums <u>within a hazard facility mapped area</u> {Oil Companies, 181}	NC	NC+	N/A	N/A	
49	Emergency services <u>outside a hazard facility mapped area</u> {Oil Companies, 181}	P	NC	NC	NC	i. Minimum car parking
Z.	Emergency services <u>within a hazard facility mapped area</u> {Oil Companies, 181}	NC	NC	N/A	N/A	
50	....					

### Assessment Rule 16.10.2.3

16.10.2 Assessment of restricted discretionary land use activities			
Activity	Matters of discretion	Guidance on the assessment of resource consents	
3.	<ul style="list-style-type: none"> <li>Cemeteries <u>outside a hazard facility</u></li> </ul>	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i>

### 16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p><b><u>mapped area {Oil Companies, 181}</u></b></p> <ul style="list-style-type: none"> <li>• Crematoriums <u>outside a hazard facility mapped area {Oil Companies, 181}</u></li> </ul>		<ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. ...</li> </ul>
	b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. ...</li> </ul>
	c. Maintenance of highly productive land	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.4</li> <li>ii. ...</li> </ul>
	d. Effects on cultural values of Manawhenua	See Rule 14.4
	e. Effects on the safety and efficiency of the transport network	See Rule 6.11

### Assessment Rule 16.11.2.5

#### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
<p>5</p> <ul style="list-style-type: none"> <li>• Community and leisure - large scale <u>outside a hazard facility mapped area</u></li> <li>• Early childhood education <u>outside a hazard facility mapped area</u></li> <li>• Restaurants or retail activities ancillary to sport and recreation</li> <li>• Sport and recreation</li> <li>• Visitor accommodation <u>outside a hazard facility mapped area {Oil Companies, 181}</u></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.3.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4.</li> <li>b. ...</li> </ul>

### Assessment Rule 16.12.3

### 16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
<p>X. <u>In a hazard facility mapped area, bulk fuel storage facilities sensitive activities</u> <b>{Oil Companies, 181}</b></p>	<p><u>Relevant guidance from other sections (priority considerations):</u></p> <p>a. <u>See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.</u> <b>{Oil Companies, 181}</b></p>

### Rule 18.3.2 Activity Status Introduction – Legend

Acronym	Meaning
N/A	Not Applicable <b>{Liquigas, 100}</b>
P	Permitted Activity
...	...

### Rule 18.3.4 Land Use Activity Status Table (CBD Edge and Mixed Use Zones)

1.	Performance standards that apply to all land use activities	<ul style="list-style-type: none"> <li>a. Acoustic insulation (noise sensitive activities)</li> <li>b. Electrical interference</li> <li>c. Light spill</li> <li>d. Location</li> <li>e. Noise</li> <li>f. Setback from National Grid (National Grid sensitive activities only)</li> </ul>
Commercial activities	<p>Activity status</p> <p>a. WP    b. PPH    c. SSYP    d. HE</p>	Performance standards

2.	...	...				
12.	Training and education	P	X. P outside a <b>hazard facility mapped area</b> Y. NC within a <b>hazard facility mapped area</b> { <i>Liquigas 100</i> }	P	P	
...	...					
21.	Visitor accommodation	P	X. P outside a <b>hazard facility mapped area</b> Y. NC within a <b>hazard facility mapped area</b> { <i>Liquigas 100</i> }	P	P	i. Minimum car parking ii. Minimum vehicle loading
22.	Conference, meeting and function and entertainment and exhibition ancillary to visitor accommodation	P	X. RD outside a <b>hazard facility mapped area</b> Y. NC within a <b>hazard facility mapped area</b> { <i>Liquigas 100</i> }	RD	P	i. Minimum car parking
Community activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
24.	Community and leisure - small scale	P	X. P outside a	P	P	i. Minimum car parking

			<b>hazard facility mapped area</b> Y. NC within a <b>hazard facility mapped area</b> <i>{Liquigas 100}</i>			
25.	Community and leisure - large scale	P	X. P outside a <b>hazard facility mapped area</b> Y. NC within a <b>hazard facility mapped area</b> <i>{Liquigas 100}</i>	P	P	i. Minimum car parking
26.	...					i.
27.	Early childhood education	RD	X. RD outside a <b>hazard facility mapped area</b> Y. NC within a <b>hazard facility mapped area</b> <i>{Liquigas 100}</i>	RD	RD	ii. Minimum car parking
28.	...					
Residential activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
29.	All activities in the residential activities category	P	X. P outside a <b>hazard facility</b>	P	P	i. Minimum car parking

			<b>mapped area Y. NC within a hazard facility mapped area {Liquigas 100}</b>			
Major facility activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
31.	Emergency services	P	X. P outside a <b>hazard facility mapped area Y. NC within a hazard facility mapped area {Liquigas 100}</b>	P	P	i. Minimum car parking

**Performance Standard 18.5.4.6 – Location (hazard facility mapped area)**

**18.5.4.6 Location (hazard facility mapped area) {Liquigas, 100}**

Activities must comply with Rule 9.3.8. **{Liquigas, 100}**

**Assessment Rule 18.10.2.3**

<b>18.10.2 Assessment of restricted discretionary land use activities</b>		
Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Early childhood education (CBD, centres, WP, PPH <u>outside a hazard facility mapped area {Liquigas 100}</u> , SSYP, HE)	a. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 18.2.2 ii. ...
	b. Effects on the safety and	See Rule 6.11

18.10.2 Assessment of restricted discretionary land use activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	efficiency of the transport network	

#### Assessment Rule 18.11.4.3

18.11.4 Assessment of discretionary performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
3. Location ( <del>hazard facility mapped area</del> ) <i>{Liquigas88, Liquigas100}</i>	See Rule 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to people's health and safety. <i>{Liquigas88, Liquigas100}</i>

#### Assessment Rule 18.12.3.10

18.12.3 Assessment of non-complying land use activities	
Activity	Guidance on the assessment of resource consents
10. In a <b>hazard facility mapped area</b> , <u>bulk fuel storage facilities sensitive activities</u> : <ul style="list-style-type: none"> <li>Major facility activities (except emergency services)</li> <li>Entertainment and exhibition</li> <li>Registered health practitioners <i>{Liquigas88}</i></li> </ul>	<i>Relevant guidance from other sections (priority considerations):</i> <ol style="list-style-type: none"> <li>See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.</li> </ol>

#### Rule 19.3.3 Land Use Activity Status Table

1. Performance standards that apply to all land use activities	<ol style="list-style-type: none"> <li>Acoustic insulation</li> <li>Electrical interference</li> <li>Light spill</li> <li>Noise</li> </ol>
--	--



				e. Setback from National Grid (National Grid sensitive activities only)
Industrial activities		Activity status		Performance standards
		a. Ind	b. IndPort	
2. ...				
Major facility activities		a. Ind	b. IndPort	Performance standards
4.	Crematoriums <u>outside a hazard facility mapped area {Oil Companies, 181}</u>	RD	RD	i. Minimum car parking
<u>Y.</u>	Crematoriums <u>within a hazard facility mapped area {Oil Companies, 181}</u>	<u>NC</u>	<u>NC</u>	
5.	Emergency services <u>outside a hazard facility mapped area {Oil Companies, 181}</u>	P	P	i. Minimum car parking
<u>Z.</u>	Emergency services <u>within a hazard facility mapped area {Oil Companies, 181}</u>	<u>NC</u>	<u>NC</u>	
6. ...				

### Assessment Rule 19.10.3.3

19.10.3 Assessment of restricted discretionary land use activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	Crematoriums <u>outside a hazard facility mapped area {Oil Companies, 181}</u>	a. Effects on cultural values of Manawhenua	See Rule 14.4
		b. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 19.2.1 ii. ...
		c. Effects on amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. ...

### Assessment Rule 19.12.2.7

19.12.2 Assessment of non-complying land use activities	
Activity	Assessment Matters
<p>7. In a <b>hazard facility mapped area</b>, <u>bulk fuel storage facilities sensitive activities</u>:</p> <ul style="list-style-type: none"> <li>• <del>Community and leisure – large scale</del></li> <li>• <del>Early childhood education</del></li> <li>• <del>Entertainment and exhibition</del></li> <li>• <del>Major facility activities</del></li> <li>• <del>Registered health practitioners</del></li> <li>• <del>Residential activities</del></li> <li>• <del>Training and education</del></li> <li>• <del>Visitor accommodation {<i>Liquigas 88, Oil Companies 181</i>}</del></li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.</p>

### Rule 20.3.3 Land Use Activity Status Table

1.	Performance standards that apply to all land use activities				<ol style="list-style-type: none"> <li>1. Acoustic insulation (noise sensitive activities only)</li> <li>2. Electrical interference</li> <li>3. Light spill</li> <li>4. Noise</li> <li>5. Setback from National Grid (National Grid sensitive activities only)</li> </ol>
Community activities		Activity status			Performance standards
		a. Rec	b. NCC	c. ASBV	
<u>W.</u>	<u>Community and leisure within a <b>hazard facility mapped area</b> {<i>Liquigas 128, Oil Companies 181</i>}</u>	<u>NC</u>	<u>N/A</u>	<u>N/A</u>	
2.	Community and leisure - small scale <u>outside a <b>hazard facility mapped area</b> {<i>Liquigas 128, Oil Companies 181</i>}</u>	P	P	P	i. Minimum car parking

3.	Community and leisure - large scale <u>outside a hazard facility mapped area</u> { <i>Liquigas 128, Oil Companies 181</i> }	RD	RD	RD	i. Minimum car parking ii. Location ( <b>hazard facility mapped area</b> )
4.	...				
X.	Early childhood education within a <u>hazard facility mapped area</u> { <i>Liquigas 128, Oil Companies 181</i> }	NC	N/A	N/A	
5.	Early childhood education - small scale <u>outside a hazard facility mapped area</u> { <i>Liquigas 128, Oil Companies 181</i> }	RD	RD	RD	i. Location ( <b>hazard facility mapped area</b> )
6.	Early childhood education - large scale <u>outside a hazard facility mapped area</u> { <i>Liquigas 128, Oil Companies 181</i> }	D	D	D	
7.	...				
Commercial activities		a. Rec	b. NCC	c. ASBV	Performance standards
9.	...				
11.	Campgrounds <u>outside a hazard facility mapped area</u> { <i>Liquigas 128, Oil Companies 181</i> }	RD	RD	NC	i. Minimum car parking
Y.	Campgrounds <u>within a hazard facility mapped area</u> { <i>Liquigas 128, Oil Companies 181</i> }	NC	N/A	N/A	
12.	...				
Major facility activities		a. Rec	b. NCC	c. ASBV	Performance standards
23.	Cemeteries <u>outside a hazard facility mapped area</u> { <i>Liquiga</i>	RD	RD	NC	

	<b>s128, Oil Companies 181}</b>				
Z.	<u>Cemeteries within a hazard facility mapped area {Liquigas 128, Oil Companies 181}</u>	NC	N/A	N/A	
24.	...				

### Performance Standard 20.5.9 Location (hazard facility mapped area)

#### 20.5.9 Location (hazard facility mapped area)

Activities must comply with Rule 9.3.8. **{Liquigas84, Oil Companies181}**

### Assessment Rule 20.10.2

20.10.2 Assessment of restricted discretionary land use activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Campgrounds <u>outside a hazard facility mapped area {Liquigas 128, Oil Companies 181}</u>	a. Effects on amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. ...
4. Cemeteries <u>outside a hazard facility mapped area {Liquigas 128, Oil Companies 181}</u>	a. Effects on cultural values of Manawhenua	See Rule 14.4
	b. Effects on amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. ...
5. Early childhood education - small scale <u>outside a hazard facility mapped area {Liquigas 128, Oil Companies 181}</u>	a. Effects on amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. ...
	b. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. ...

## Assessment Rule 20.11.2.2

20.11.2 Assessment of discretionary land use activities	
Activity	Guidance on the assessment of resource consents
<p>2. Early childhood education - large scale <u>outside a hazard facility mapped area</u> {<b>Liquigas 128, Oil Companies 181</b>}</p>	<p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> <li>a. Objective 20.2.2</li> <li>b. Early childhood education facilities are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigates adverse effects on the amenity of surrounding residential properties or other recreation area users (Policy 20.2.2.12).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>c. The activity will not result in a loss of open space that would otherwise be available to the public.</li> <li>d. The activity is provided to support a recreation activity on the site.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>e. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.</li> <li>f. The scale of the activity is suitable for the site.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>g. Delivery time restrictions.</li> <li>h. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties.</li> <li>i. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments.</li> <li>j. A noise management plan.</li> </ul> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>k. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</li> <li>l. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. {<b>Liquigas128, Oil Companies181</b>}</li> </ul>

### Assessment Rule 20.11.3.2

20.11.3 Assessment of discretionary performance standard contraventions	
Activity	Guidance on the assessment of resource consents
2. Location ( <del>hazard facility mapped area</del> ) { <b>Liquigas 88, Oil Companies 181</b> }	<del>Relevant guidance from other sections (priority considerations):</del> a. See <del>Rule 9.7</del> { <b>Liquigas 88, Oil Companies 181</b> }

### Assessment Rule 20.12.3.6

20.12.3 Assessment of non-complying land use activities	
Activity	Guidance on the assessment of resource consents
6. In a <b>hazard facility mapped area</b> , <u>bulk fuel storage facilities sensitive activities</u> : <ul style="list-style-type: none"> <li>• <del>Major facility activities</del></li> <li>• <del>Entertainment and exhibition</del></li> <li>• <del>Registered health practitioners</del></li> <li>• <del>Residential</del></li> <li>• <del>Training and education</del></li> <li>• <del>Visitor accommodation</del> {<b>Liquigas 84, Oil Companies 181</b>}</li> </ul>	<del>Relevant guidance from other sections (priority considerations):</del> a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.

### Rule 32.3.3 Land Use Activity Status Table

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise
	Major facility activities	Activity status	Performance standards
2.	...		
	Community activities	Activity status	Performance standards

4.	...		
X.	<u>Community and leisure within a hazard facility mapped area {Liquigas 129}</u>	NC	
5.	All other activities in the community activities category <u>outside a hazard facility mapped area {Liquigas 129}</u>	P	a. Location ( <b>hazard facility mapped area</b> )
Commercial activities		Activity status	Performance standards
6.	...		
7.	Visitor accommodation <u>outside a hazard facility mapped area {Liquigas 129}</u>	D	
Y.	<u>Visitor accommodation within a hazard facility mapped area {Liquigas 129}</u>	NC	
8.	Office <u>outside a hazard facility mapped area {Liquigas 129}</u>	D	
Z.	<u>Office within a hazard facility mapped area {Liquigas 129}</u>	NC	
9.	...		

### Performance standard 32.5.7 Location (hazard facility mapped area)

#### 32.5.7 Location (hazard facility mapped area)

Activities must comply with Rule 9.3.8. {Liquigas84}

#### Assessment Rule 32.10.2

32.10.2 Assessment of discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities which include: <ul style="list-style-type: none"> <li>• Visitor accommodation <u>outside a hazard facility mapped area {Liquigas 129}</u></li> <li>• Office <u>outside a hazard facility mapped area {Liquigas 129}</u></li> </ul>	<i>General assessment guidance:</i> <ol style="list-style-type: none"> <li>Objective 2.3.2 and Policy 2.3.2.2</li> <li>...</li> </ol>

### 32.10.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
2. In a <b>hazard facility mapped area</b> : <ul style="list-style-type: none"><li>• Training and education</li><li>• Registered health practitioners</li><li>• Visitor accommodation</li></ul>	<i>Relevant guidance from other sections (priority considerations):</i> <ol style="list-style-type: none"><li>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. <b>{Liquigas 129}</b></li></ol>

### Assessment Rule 32.10.3.4

### 32.10.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
4. <u>Location (hazard facility mapped area)</u>	<i>Relevant guidance from other sections (priority considerations):</i> <ol style="list-style-type: none"><li>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. <b>{Liquigas 129}</b></li></ol>

### Assessment Rule 32.11.2.3

### 32.11.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
3. In a <b>hazard facility mapped area</b> , <u>bulk fuel storage facilities sensitive activities</u> : <ul style="list-style-type: none"><li>• Early childhood education</li><li>• Entertainment and exhibition</li><li>• Residential</li><li>• Major facility activities (other than a major recreation facility) <b>{Liquigas 88}</b></li></ul>	<i>Relevant guidance from other sections (priority considerations):</i> <ol style="list-style-type: none"><li>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.</li></ol>



## Planning map

Amend the Planning Map as follows, to add two new areas of hazard facility mapped area around the Oil Companies' bulk fuel storage facilities located at 203 Fryatt Street and 102 Parry Street, in addition to the existing area around Liquigas's facility at 254 Fryatt Street:

