

**SUBMISSION ON THE WAITOMO DISTRICT COUNCIL'S PROPOSED DISTRICT PLAN
PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT
1991**

To: Waitomo District Council
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Via email: districtplan@waitomo.govt.nz

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A. INTRODUCTION

1. Waitomo District Council (*WDC* or *Council*) notified its Proposed District Plan (*PDP*) on 20th October 2022.
2. Z Energy has business interests within the district.
3. Z Energy's primary business includes a fuel retail network, pipelines, terminals and bulk storage terminal infrastructure situated around the country.
4. Z Energy supplies fuel to retail customers and large commercial customers like airlines, trucking companies, mines, shipping companies and vehicle fleet operators.
5. Z Energy owns and manages:
 - an approximate 12.9 per cent stake in Channel Infrastructure (Previously Refining NZ) which runs the Marsden Point Fuel Import Terminal (New Zealand's only oil refinery);
 - approximately 200 service stations;
 - about 140 truck stops;
 - pipelines, terminals and bulk storage terminal infrastructure around the country; and
 - a 25 per cent stake in Loyalty New Zealand which run Fly Buys.
6. In June 2016, Z also purchased the assets of Chevron New Zealand, which sees Z as the wholesale fuel supplier to the network of Caltex-branded service stations. Most of the Caltex-branded retail network remains independently owned and operated, with the operators setting their own retail fuel prices. Since May 2022, Z Energy Limited is a subsidiary of Australian company, Ampol Limited.
7. Part of Z Energy's retail fuel network includes its Z branded service stations and truck stops in the Waitomo District (*the district*).
8. Z Energy's wider networks, and including its individual service stations, are important to the social and economic success of the district. It is important that the management of these networks are appropriately addressed in the PDP in order to ensure fuel supply for the district and beyond. This submission is focused on those issues that Z Energy perceives may inappropriately restrict or limit its existing operations. Broader environmental management concerns are addressed in a separate submission.
9. In this case, Z Energy owns and manages one Z branded service station and truck stop which is located in the proposed Industrial Zone (Z Te Kuiti service station and truck stop). There is also a Caltex Truck Stop of interest also in the Industrial Zone.
10. This is reflected in the scope of the submission, which extends to new provisions proposed through the PDP that are relevant to these sites.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED DISTRICT PLAN THAT Z ENERGY'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS

The specific provisions submitted on, the rationale for Z Energy's submission on each of these matters, and the relief sought is contained in **Schedule A** below. Specific changes sought to the provisions are highlighted **yellow** with deletions in ~~striketrough~~ and additions in underline. Z Energy will also support alternative relief that achieves the same outcome(s) and seeks any consequential changes that may be required to support the outcomes sought.

Accordingly, 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 Waikato 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, to the degree there is scope, any consequential relief required in any other sections of the PDP that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the documents; and
- c) Any other relief required to give effect to the issues raised in this submission.

C. Z ENERGY REQUESTS TO BE HEARD IN SUPPORT OF THIS SUBMISSION.

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

E. Z ENERGY COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. Z ENERGY IS 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 for and on behalf of Z Energy Limited



Sarah Westoby
Principal Planner

21 December 2022

Schedule A

Table 1: Z Energy Submission to the Waitomo PDP

Sub Point	Section / sub-section / provision	Position	Submission	Relief sought
Part 2 – District Wide Matters				
20 TRANSPORT				
1	<p>Rule TRAN-R6</p> <p>And</p> <p>TRAN - Table 3 – High Trip Generating Activities</p>	<p>Oppose</p> <p>(Though in effect - Support in Part with amendment).</p>	<p>Proposed Transport Rule TRAN-R6 – <i>high trip generating activities</i> permits activities if trips do not exceed the ITA thresholds in TRAN - Table 3.</p> <p>TRAN – Table 3 does not contain a specific threshold for service stations. Instead, if an activity is a service station it triggers the requirement for an ITA under TRAN - Table 3 and therefore a resource consent under Rule TRAN-R6, not complying with condition 1 of the PA rule.</p> <p>Z Energy considers that this approach is acceptable for new service stations but not necessarily for existing service stations, including changes to existing. It is important to ensure that maintenance, changes, repairs and upgrades of existing service stations can be carried out without requiring a resource consent under this rule, especially where changes do not generate additional traffic and/or where they do, that does not have an impact on or would have a less than minor impact on, transportation.</p> <p>Given that service stations are the trigger, it is not clear in the rule, the Table or the associated documents why the high trip threshold should be triggered by existing “service</p>	<p>Amend TRAN – Table 3 as follows as it relates to service stations:</p> <p>New Service Stations – All proposals require an ITA</p>

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			stations". For the reasons outlined in the paragraph above, it is appropriate that the ITA threshold requirement be amended to relate only to new service stations.	
Part 3 – Area Specific Matters				
47 INDUSTRIAL ZONE				
2	INZ - Table 1 - Activities Rules Rule INZ-R4	Support	<p>Rule INZ-R4 permits service stations and motor vehicle repair workshops (in Table 1), subject to, inter alia, compliance with performance standards in INZ-Table 2.</p> <p>The activity status of an activity that does not comply with one or more of the majority of Standards in Table 2 is a restricted discretionary activity and this is supported.</p>	<p>Retain Rule INZ-R4 (service stations as permitted activities) as notified.</p> <p>Retain restricted discretionary activity status for service station activities in the Industrial Zone that do not meet the proposed performance standards in INZ – Table 2.</p>
3	INZ-R27	Support with clarification	<p>Rule / Standard INZ-R27 requires landscaping of internal boundaries adjacent to, inter alia, the residential and open space zones.</p> <p>The Caltex truck stop on Te Kumi Road adjoins the residential zone to the north and open space zone to the rear and south.</p> <p>Z Energy seeks that, where there are existing / established activities and minor changes, upgrades, maintenance etc is required or proposed at the site, such activities do not trigger the need to comply with all standards of the zone, such as this landscaping standard. For example, the installation of an approximately 2m tall water or diesel emission tank, not within a yard, that doesn't change or</p>	<p>Clarify that the standard only relates to new activities in the Industrial Zone or full redevelopment of existing activities.</p>

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			increase the scale or intensity of the use of the site, should not trigger the need to comply with this standard.	