

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No [2020] NZEnvC 165

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14 of the First
Schedule of the Act
BETWEEN TARANAKI ENERGY WATCH
INCORPORATED
(ENV-2016-WLG-80)
Appellant
AND SOUTH TARANAKI DISTRICT COUNCIL
Respondent

Court: Environment Judge J E Borthwick
Environment Commissioner J A Hodges
Environment Commissioner J T Baines

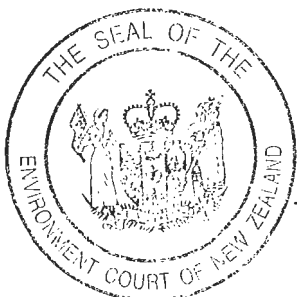
Hearing: In Chambers at Christchurch

Date of Decision: 29 September 2020

Date of Issue: 29 September 2020

FINAL DECISION OF THE ENVIRONMENT COURT

- A: The appeal is allowed to the extent that the South Taranaki District Council is directed to amend the Proposed South Taranaki District Plan as set out in Annexures A, B and C.
- B: Costs are reserved. Any application must be filed by **Friday 16 October 2020** and any reply by **Tuesday 27 October 2020**. In the event no application for costs is made, the court's order will be (without further decision of the court issuing) that there is no order as to costs.



REASONS

Introduction

[1] This decision is the final determination for all matters relating to the appeal filed by Taranaki Energy Watch Incorporated on the South Taranaki District Council's proposed District Plan.

[2] The court has released four Interim Decisions, a preliminary Procedural Decision and orders by consent as it has progressively worked its way through the substantive issues for determination.¹

[3] In the court's fourth Interim Decision we attached the amended provisions to the proposed plan and sought parties' comments before finalising the wording and bringing this proceeding to its conclusion. The parties have now responded and this decision will determine all matters finally.

Final orders sought by consent

[4] The parties² have filed a consent memorandum dated 11 September 2020 advising they have reached agreement about the wording of the Method to be added to Section 2.8 of the Proposed Plan under the sub-heading "Collection and Provision of Information" and the setback to be added to Table 1 in Section 3.2 of the Proposed Plan.

Method to be added

[5] In relation to the Method, the parties have agreed to the following wording, which would replace the wording set out in the fourth Interim Decision:

- Maintain outside of the District Plan a publicly available schedule of existing well-sites, consented well-sites, and decommissioned well-sites where:
 - Unacceptable Risk extends outside the property boundary; or

¹ Consent Order dated 28 March 2018; [2018] NZEnvC 227 (first Interim Decision); [2020] NZEnvC 18 (second Interim Decision); [2020] NZEnvC 32 (third Interim Decision); [2020] NZEnvC 35 (Corrigendum); Consent Order dated 11 June 2020; [2020] NZEnvC 96 (Procedural Decision); [2020] NZEnvC 103 (fourth Interim Decision); and Consent Order dated 10 August 2020.

² In fact, only Taranaki Energy Watch Incorporated, South Taranaki District Council, the Petroleum Exploration and Production Association of New Zealand and Federated Farmers of New Zealand signed the consent memorandum. New Plymouth District Council, Stratford District Council and Powerco Limited have all agreed to abide by the court's decision while the Royal Forest and Bird Protection Society of New Zealand Incorporated has raised no issue.



- where Unacceptable Risk has not been determined, a 250m setback from the source of risk extends outside the property boundary.
- Regularly share changes to risk assessment information and risk contours between operators and the Council, and undertake plan changes to keep the Petroleum Activity Risk Contour shown on the Planning Maps up to date.

[6] Counsel explains that the changes to the Method are to improve its clarity and are aimed at producing a resulting schedule that accurately captures the information necessary for plan users to know where an activity or proposed activity may be affected by the risk posed by one or more well-sites. The parties did not propose the same method for production stations because their associated risk contours or consequence distances would be shown on the planning maps.³

[7] The court sought clarification as our understanding of the inclusion of risk contours or consequence distances for production stations differed from that of the parties. Specifically, not all production stations have risk contours shown on the planning maps,⁴ and none have consequence distances.

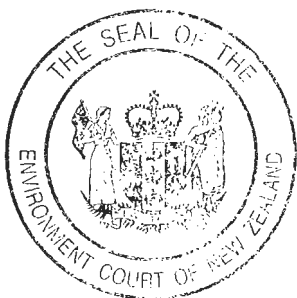
[8] The District Council has replied in a memorandum dated 21 September 2020 explaining that:⁵

- (a) It is correct that there is no certainty that a plan change will be promulgated to include a risk contour in the planning maps for the one production station in the South Taranaki District (Rimu Production Station) that is currently to use a consequence distance rather than a risk contour.
- (b) The purpose of the proposed schedule is to recognise that well-sites change over time, including by:
 - (i) new, including temporary, well-sites being consented and/or established (i.e. introducing new risk);
 - (ii) existing well-sites expanded or changed (i.e. increasing or decreasing existing risk); and
 - (iii) well-sites being decommissioned (i.e. removing risk).
- (c) Unlike with well-sites, there is a small, known number (four) of production stations in the South Taranaki District.

³ Joint memorandum in support of Consent Order dated 11 September 2020 at [8].

⁴ We have in mind Rimu Production Station and Kapuni Gas Treatment Plan together with any production station associated with well-sites/well-fields.

⁵ Memorandum of counsel for South Taranaki District Council dated 21 September 2020 at [2].



- (d) Production stations are also large facilities with easily-identifiable locations. This is not always the case with well-sites. The existence and/or locations of well-sites can be difficult to discern.
- (e) Production stations are also generally permanent facilities and are less likely to be developed in the future.
- (f) There is, therefore, not the same ongoing need to schedule production stations. The Council considers that capturing well-sites is sufficient.
- (g) Adding production stations to the Method would, in the Council's view, needlessly complicate the wording, particularly because the setbacks to be applied to production stations (risk contours and consequence distances) are different to those to be applied to well-sites.

...

[9] The District Council proposed to amend the Method further by adding a new bullet point to include "production stations that do not have a Petroleum Activity Risk Contour", should we not be satisfied with its explanation. Subject to the inclusion of 'gas treatment plant', Taranaki Energy Watch Inc support the inclusion of a further amendment.⁶

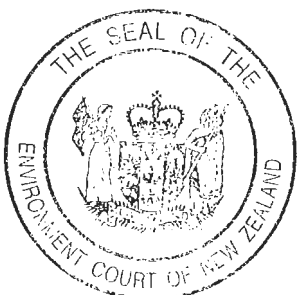
[10] Ordinarily we would agree with the District Council's reasoning, in that the focus is on well-sites as they present particular problems with clean up. Unfortunately, the parties have got this latest change off on the wrong footing by inaccurately stating the position of production stations and now the appellant wishes clarity. We do not agree with the District Council that the wording proposed complicates the Method, as the determination of the production station setback has not changed and, given this, we approve the District Council's amended version with the inclusion of 'gas treatment plant'.

Setback amendment

[11] In relation to the setback to be added to Table 1 in Section 3.2, the parties have agreed to the following amendments (underlined) to the wording set out in the fourth Interim Decision:

For the purposes of this rule, the 250m distance is measured from the source of risk (i.e. location of existing or consented well-heads and/or surface production equipment). Where the source of risk cannot be identified, then the 250m distance is measured from:

- the security fence; or
- if the security fence cannot be identified, the drilling pad for that well-head; or
- if the security fence and drilling pad cannot be identified, the property boundary.



⁶ Memorandum on behalf of Taranaki Energy Watch dated 24 September 2020.

[12] Counsel advises that these changes address a minor punctuation error and provide clarity as to where setbacks from a well-site should be measured from.⁷ We agree these changes are appropriate. The parties otherwise seek that the court approves the provisions in the annexures to the fourth Interim Decision.

Other matters

[13] Finally, Rule 12.1.3 (bb) has been corrected for superscript, i.e. 1×10^{-6} individual fatality risk contour and not "1 x 10-6" individual fatality risk contour (as written in the fourth Interim Decision).

Outcome

[14] We make directions for the District Council to amend its proposed District Plan as confirmed above.

For the court:



J E Borthwick
Environment Judge



THE SEAL OF THE
ENVIRONMENT COURT OF NEW ZEALAND

⁷ Joint memorandum in support of Consent Order dated 11 September 2020 at [9]-[11].

Annexure A:

Section 1 Definitions

Add the following new definitions to Section 1.11:

Petroleum Activity Risk Area (for petroleum exploration and petroleum production provisions) means:

- the area defined as the 1×10^{-6} individual fatality risk contour contained in one or more allotments, sections or parcels in relation to which the operator of a petroleum exploration and petroleum production activity (currently established or proposed to be established) either owns or has an enforceable interest in (including lease, covenant, and legal contract); and
- precludes the establishment or operation of sensitive activities for the duration of the operation of the petroleum exploration and petroleum production activity within this area.

Petroleum Activity Risk Contour (for petroleum exploration and petroleum production provisions) means the 1×10^{-6} individual fatality risk contour shown on the Planning Maps.

Unacceptable Risk (for significant hazardous facilities provisions) means exposure of sensitive activities (including residential dwelling) to an individual fatality risk level exceeding 1×10^{-6} per year.

Section 2.8 Hazardous Substances and Contaminated Land

Add the following new Issue to Section 2.8:

Issue 2.8.1a The risks to human health and property from incompatible land use when new sensitive activities locate in proximity to existing significant hazardous facilities.

Add the following text after the first sentence in the 3rd paragraph to the Explanation in the Issues section in Section 2.8:

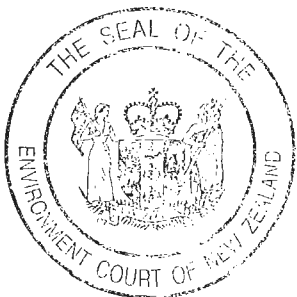
Significant hazardous facilities can pose a risk to surrounding land uses from emergency events, such as explosions or large fires. Such emergency events have a very low probability of occurring, though if they occur, they can pose high potential harm to nearby people and damage to property.

Add the following new Objective and heading to Section 2.8:

Petroleum Exploration and Petroleum Production

Objective 2.8.3a Recognise the important benefits associated with the use, storage, disposal and transportation of hazardous substances associated with petroleum exploration and petroleum production activities whilst also ensuring that risks to the environment and human health are:

- (a) Avoided where the risks are unacceptable; and
- (b) Minimised for lesser risks as low as reasonably practicable (ALARP).



Add the following new Objective to Section 2.8:

Objective 2.8.3b Sensitive activities are located where they:

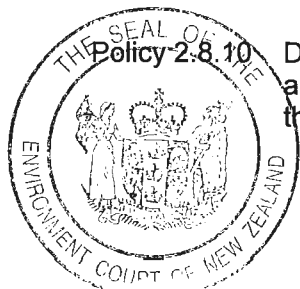
- (a) Avoid areas exposed to an unacceptable level of risk from existing petroleum exploration and petroleum production activities; and
- (b) Do not compromise existing petroleum exploration and petroleum production activities due to reverse sensitivity effects and /or incompatibility.

Retain Policies 2.8.5 – 2.8.11 as below, except for the amendment to Policy 2.8.9 as previously agreed at expert conferencing and add a new sub-heading:

Significant Hazardous Facilities

- Policy 2.8.5 Ensure significant hazardous facilities are located, designed, constructed and managed to minimise risk to the extent practicable and avoid Unacceptable Risk to the environment and human health.
- Policy 2.8.6 Ensure appropriate facilities and systems are provided to avoid accidental or unintentional release, or loss of control (such as spills and gas escapes) of hazardous substances.
- Policy 2.8.7 To avoid duplication of the regulation of activities controlled by the Hazardous Substances and New Organisms Act 1996 (HSNO) and other workplace safety law by:
- (a) Generally providing for activities that meet the relevant requirements of the HSNO Act and other workplace safety law as permitted activities; and
 - (b) Only requiring resource consents for activities that may have actual and potential effects that are cumulative, or where there is significant potential risk of adverse effects on the environment or human health.
- Policy 2.8.8 Manage the location of significant hazardous facilities by:
- (a) Locating significant hazardous facilities to avoid or adequately mitigate adverse effects, including risks, to people, property and the environment in the following situations:
 - (i) In close proximity to sensitive activities;
 - (ii) Within and adjacent to significant areas of indigenous vegetation and habitats of indigenous fauna;
 - (iii) Adjacent to significant waterbodies;
 - (iv) Within and adjacent to Sites of Significance to Tāngata Whenua or sites of historical or archaeological significance;
 - (v) Within the Coastal Protection Area and Flood Hazard Area, and areas at risk of ground rupture from known active faults.
 - (b) Ensuring adequate separation distances or other measures between significant hazardous facilities and activities sensitive to significant hazardous facilities to avoid or adequately mitigate risk to people and property; and
 - (c) Identifying, assessing and managing adverse effects (including cumulative) of significant hazardous facilities to mitigate risk to people, property and the environment.
- Policy 2.8.9 Manage potential reverse sensitivity conflicts between existing lawfully established significant hazardous facilities and new sensitive activities through subdivision and land use activity controls and other appropriate measures.

- Policy 2.8.10 Disposal of hazardous wastes is to be undertaken in an environmentally safe manner at authorised facilities to avoid risk of hazardous substances creating adverse effects on the environment and human health.



Policy 2.8.11 Transportation of hazardous substances, including wastes, as part of a land use activity should be undertaken in a safe manner, by modes and transport routes which prevent or minimise the risk of adverse effects on other land use activities, the environment, and other transport users.

Add the following new Policies and heading to Section 2.8:

Petroleum Exploration and Petroleum Production

Policy 2.8.11(a) Ensure petroleum exploration and petroleum production activities are located, designed, constructed and managed to avoid Unacceptable Risk and minimise lesser risks as low as reasonably practicable (ALARP) to the environment and human health.

Policy 2.8.11(b) Ensure new petroleum exploration and petroleum production activities are located where they do not expose existing sensitive activities to Unacceptable Risk.

Policy 2.8.11(c) Require new petroleum exploration and petroleum production activities to internalise the Unacceptable Risk within the site of the activity unless, where the Unacceptable Risk extends outside the site of the activity, a mechanism avoids the Unacceptable Risk to sensitive activities.

Policy 2.8.11(h) Ensure additions and alterations to existing petroleum exploration and petroleum production activities do not expose existing sensitive activities to Unacceptable Risk.

Policy 2.8.11 (XXX) Encourage additions and alterations to existing petroleum exploration and petroleum production activities to internalise the Unacceptable Risk within:

- (a) the site of the existing petroleum activity; or
- (b) land owned by the operator; or
- (c) land where the operator has an enforceable interest (including lease, covenant or legal contract).

Policy 2.8.11(g) Manage additions and alterations to existing petroleum exploration and petroleum production activities where:

- (a) the Unacceptable Risk extends outside the existing Petroleum Activity Risk Contour, or
- (b) there is no Petroleum Activity Risk Contour;

to avoid Unacceptable Risk to sensitive activities and minimise the lesser risks as low as reasonably practicable (ALARP).

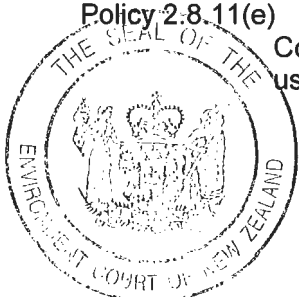
Policy 2.8.11 (YYY)

Manage additions and alterations to existing petroleum exploration and petroleum production activities where there are existing sensitive activities within the existing Petroleum Activity Risk Contour to ensure:

- (a) the Unacceptable Risk to the existing sensitive activity is avoided; or
- (b) where the Unacceptable Risk cannot be avoided, risk to the existing sensitive activity is not increased and is minimised to as low as reasonably practicable (ALARP).

Policy 2.8.11(d) Avoid the establishment of petroleum exploration and petroleum production activities which use, store or handle hazardous substances in the Residential Zone and Township Zone due to risk to the environment and human health.

Policy 2.8.11(e) Identify and keep up-to-date on the Planning Maps the Petroleum Activity Risk Contours related to existing petroleum exploration and petroleum production activities using a level of risk threshold of 1×10^{-6} (risk contour).



Policy 2.8.11(f) That Petroleum Activity Risk Contours will be uplifted from the Planning Maps in whole or in part and for separation distances to no longer apply where:

- (a) there are no risk generating activities being undertaken; or
- (b) the level of risk reduces significantly and extant consents or rules do not enable risk generating activities to establish or intensify in the future.

Policy 2.8.11(i) Avoid new sensitive activities locating in areas which are exposed to Unacceptable Risks from existing petroleum exploration and petroleum production activities.

Policy 2.8.11(j) Where there is no Petroleum Activity Risk Contour, manage the location of new sensitive activities near existing petroleum exploration and petroleum production activities by applying separation distances based on generic fatality consequence distances for petroleum exploration and petroleum production activities.

Amend the Explanation of Policies to Section 2.8 as follows:

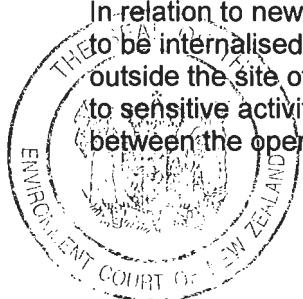
These objectives and associated policies have been specifically drafted to avoid duplication between the District Plan and the HSNO Act and other regulations managing hazardous substances. The Council recognises that the HNSO Act is the primary legislation that controls the manufacture, import, transportation, storage, use and disposal of hazardous substances, and that it manages hazardous facilities. Under the HSNO Act, the Environmental Protection Authority is the regulatory agency who assess and decide on applications which seek to introduce hazardous substances or new organisms into New Zealand. Under the Health and Safety at Work (HSW) Act, WorkSafe New Zealand is responsible for the use of hazardous substances in workplaces, such as factories, farms and drilling sites.

Whilst compliance with the HSNO Act, HSW Act and other regulations will generally ensure that any adverse effects arising from the use, storage, disposal and transportation of hazardous substances are effectively managed, the District Plan applies additional controls on significant hazardous facilities and for sensitive environments. Significant hazardous facilities can adversely affect the environment and community if they are not appropriately sited and/or managed. Particular regard would be had to risks to neighbouring property (including dwellings) and the community from fire, explosion or natural hazard events affecting the significant hazardous facility. For these reasons, Rural Industrial zoned land has been identified as the most appropriate location for significant hazardous facilities to locate, acknowledging that the Rural Zone can also accommodate significant hazardous facilities if effects can be appropriately managed. However, in identifying this, it is recognised that these zones often contain sensitive natural environments or have unusual characteristics (i.e., waterbodies, natural hazards etc) that also need to be taken into account and carefully managed. The District Plan therefore applies controls where particular locations have been identified where the environment may be more sensitive to adverse effects from significant hazardous facilities. In addition, a risk assessment for each new significant hazardous facility would determine the appropriate distance for locating this facility in relation to existing sensitive activities.

The Plan manages the risks to human health and the environment from additions and alterations to existing petroleum exploration and petroleum production activities as well as risks from new sensitive activities locating close to existing petroleum exploration and petroleum production activities.

The risks from petroleum exploration and petroleum production activities cannot be fully eliminated, only reduced. There is a level of risk of human fatality that is considered unacceptable. The Plan defines this as the "Unacceptable Risk". Where risks are not unacceptable, the Plan adopts the principle of minimising risks to As Low As Reasonably Practicable (ALARP) which is the concept used in health and safety context.

In relation to new petroleum exploration and petroleum production activities, the Unacceptable Risk is to be internalised within the site of the activity unless, and where the Unacceptable Risk extends outside the site of the activity, an enforceable mechanism(s) is in place to avoid the Unacceptable Risk to sensitive activities. For example, such mechanisms may comprise covenants or legal agreement between the operators and neighbouring landowner.



In addition to the above, it is equally important that more sensitive activities such as residential subdivision and development are managed so that reverse sensitivity matters can be averted. The risk posed by significant hazardous facilities is often directly related to the nature and proximity (particularly in terms of population density) of the more sensitive receiving environment. The establishment of new sensitive activities close to an existing significant hazardous facility may result in unacceptable risks to the new activity and/or reverse sensitivity effects on the existing facility. Accordingly, site-specific (e.g. 1×10^{-6} individual fatality risk contour) and the zone-based (e.g. setbacks and list of activities) sections of the District Plan contain provisions to manage incompatible land uses and reverse sensitivity matters. Where petroleum exploration or petroleum production activities are decommissioned and/or wells capped, and the ability to establish or intensify in the future is not enabled by the rules or consents, there is no longer a risk to sensitive activities. In these circumstances, the provisions to manage incompatibility and reverse sensitivity for new sensitive activities no longer apply.

In terms of the potential risks to the environment and human health, the inappropriate disposal of hazardous waste can result in contamination of soil, air, groundwater or surface water, both at the source and at locations remote from the source through migration. The improper release of hazardous substances into the environment presents a major threat to the life supporting capacity of the environment and community health. Hazardous waste must be disposed of at a licensed hazardous waste facility that can accept such waste, or alternatively be treated to reduce the level or mobility of the contaminants to acceptable levels.

The transport of hazardous substances on land (including State Highways and local roads) is controlled by the Land Transport Rule: Dangerous Goods 2005 (created under the Land Transport Act 1998), and New Zealand Standard 5433:2007 which is a means of compliance. Accordingly it is not considered necessary for the transport of hazardous substances in the District to be the subject of resource consent.

Amend the following Method in Section 2.8 under the sub-heading 'District Plan':

- Assessment of environmental effects through the resource consent process for significant hazardous facilities, including where they do not meet performance standards. If written approval (or agreement by any other instrument) is provided with a resource consent application, this approval does not prevent consideration of the effects on the environment (including Part 2 matters of health and safety), including on persons who may visit the vicinity or on persons residing at the property and whose written approval has not been obtained.

Add the following new Method to Section 2.8 under the sub-heading 'Collection and Provision of Information':

- Collect and maintain publicly available information about the level of risk from petroleum exploration and petroleum production activities. This information would be supplied by operators of petroleum exploration and petroleum production activities via resource consent applications or in meeting their obligations under other legislation or regulations.
- Maintain outside of the District Plan a publicly available schedule of:
 - (a) production stations/gas treatment plants that do not have a Petroleum Activity Risk Contour; and
 - (b) existing well-sites, consented well-sites, and decommissioned well-sites where:
 - Unacceptable Risk extends outside the property boundary; or
 - where Unacceptable Risk has not been determined, a 250m setback from the source of risk extends outside the property boundary.

• Regularly share changes to risk assessment information and risk contours between operators and the Council, and undertake plan changes to keep the Petroleum Activity Risk Contour shown on the Planning Maps up to date.



Section 12: Hazardous Substances Rules

Add the following new Permitted Activity Rule to Section 12.1.1:

- Rule 12.1.1 (b) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities provided:
- (i) the new 1×10^{-6} individual fatality risk contour does not extend beyond the Petroleum Production Activity Risk Contour shown on the Planning Maps for the subject site; and
 - (ii) there are no existing sensitive activities within the new 1×10^{-6} individual fatality risk contour.
- Rule 12.1.1 (bb) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities provided the new 1×10^{-6} individual fatality risk contour does not extend outside of the Petroleum Activity Risk Area.
- Rule 12.1.1 (c) In the Rural Industrial Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where the new 1×10^{-6} individual fatality risk contour does not extend beyond the Rural Industrial Zone.

Add the following new Restricted Discretionary Activity Rule to Section 12.1.3:

- Rule 12.1.3 (b) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where the new 1×10^{-6} individual fatality risk contour extends outside the Petroleum Production Activity Risk Contour shown on the Planning Maps for the subject site and does not contain any existing sensitive activities.

Matters of discretion:

- (a) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
- (b) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.
- (c) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
- (d) Application of risk management (ALARP) to lesser risks.
- (e) Proposed emergency management planning (spills, fills and other relevant hazards).
- (f) Proposed monitoring and maintenance schedules.
- (g) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.
- (h) Controls proposed to avoid the establishment of new sensitive activities within the area of Unacceptable Risk.

Rule 12.1.3

(bb) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where:

- (i) the new 1×10^{-6} individual fatality risk contour does not extend outside the Petroleum Production Activity Risk Contour shown on the Planning Maps for the subject site; and



(ii) there are one or more existing sensitive activities within the new 1×10^{-6} individual fatality risk contour.

Matters of discretion:

- (a) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
- (b) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.
- (c) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
- (d) Application of risk management (ALARP) to Unacceptable Risk that cannot be avoided and to lesser risks.
- (e) Proposed emergency management planning (spills, fills and other relevant hazards).
- (f) Proposed monitoring and maintenance schedules.
- (g) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.
- (h) Controls proposed to avoid the establishment of new sensitive activities within the area of Unacceptable Risk.

Rule 12.1.3 (c) In the Rural Industrial Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where the new 1×10^{-6} individual fatality risk contour does not contain any existing sensitive activities.

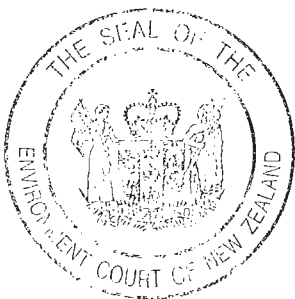
Matters of discretion:

- (a) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
- (b) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.
- (c) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
- (d) Application of risk management (ALARP) to lesser risks.
- (e) Proposed emergency management planning (spills, fills and other relevant hazards).
- (f) Proposed monitoring and maintenance schedules.
- (g) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.
- (h) Controls proposed to avoid the establishment of new sensitive activities within the area of Unacceptable Risk.

Rule 12.1.3 (d) In the Rural Zone, alterations or additions to existing petroleum exploration and petroleum production activities where the new 1×10^{-6} individual fatality risk contour is contained within the Petroleum Activity Risk Area for the subject site.

Matters of discretion:

- (a) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
- (b) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.



- (c) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
- (d) Application of risk management (ALARP) to lesser risks.
- (e) Proposed emergency management planning (spills, fills and other relevant hazards).
- (f) Proposed monitoring and maintenance schedules.
- (g) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.

Add the following new Discretionary Activity Rule to Section 12.1.4:

- Rule 12.1.4 (b) In the Rural Industrial Zone, Rural Zone, Commercial Zone and Industrial Zone, new petroleum exploration and petroleum production activities where the 1×10^{-6} individual fatality risk contour is contained within the Petroleum Activity Risk Area.
- Rule 12.1.4 (c) In the Rural Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum exploration and petroleum production activities where the new 1×10^{-6} individual fatality risk contour extends outside the Petroleum Activity Risk Area and does not contain any existing sensitive activities.
- Rule 12.1.4 (d) In the Rural Zone, alterations or additions to existing petroleum exploration and production activities where the new 1×10^{-6} individual fatality risk contour extends outside the Petroleum Activity Risk Contour shown on the Planning Maps, and does not contain any existing sensitive activities.

Add the following new Non-Complying Activity Rules to Section 12.1.5:

- Rule 12.1.5 (b) In the Rural Industrial Zone, Rural Zone, Commercial Zone and Industrial Zone, new petroleum exploration and petroleum production activities where the 1×10^{-6} individual fatality risk contour extends outside the Petroleum Activity Risk Area.
- Rule 12.1.5 (c) In the Rural Industrial Zone and Rural Zone, alterations or additions to existing petroleum exploration and production activities where the new 1×10^{-6} individual fatality risk contour extends outside the Petroleum Activity Risk Contour shown on the Planning Maps, and contains one or more existing sensitive activities.
- Rule 12.1.5 (d) In the Rural Industrial Zone and Rural Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum exploration and petroleum production activities where the new 1×10^{-6} individual fatality risk contour contains one or more existing sensitive activities.
- Rule 12.1.5 (e) In the Residential Zone and Township Zone, petroleum exploration and petroleum production activities not involving the use, storage or handling of hazardous substances.

Add the following new Prohibited Activity Rules to Section 12.1.6:

- Rule 12.1.6 (a) In the Residential Zone and Township Zone, petroleum exploration and petroleum production activities involving the use, storage or handling of hazardous substances.



Section 3: Rural Zone Rules

Add the following new setback to Table 1 in Rule 3.2.2.1 Permitted Activity Performance Standard:

Type of activity	Minimum setback: State Highway	Minimum setback: Road boundary	Minimum setback: Other site boundaries	Maximum height	Additional setbacks/requirements
<p>Dwelling unit, home occupation and other sensitive activities</p>					<p>Minimum setbacks: 250m from well-sites which do not have a Petroleum Activity Risk Contour shown on the Planning Maps.</p> <p>For the purposes of this rule, the 250m distance is measured from the source of risk (i.e. location of existing or consented wellheads and/or surface production equipment).</p> <p><u>Where the source of risk cannot be identified, then the 250m distance is measured from:</u></p> <ul style="list-style-type: none"> • <u>the security fence; or</u> • <u>if the security fence cannot be identified, the drilling pad for that well-head; or</u> • <u>if the security fence and drilling pad cannot be identified, the property boundary.</u> <p>650m from a petroleum production station/gas treatment plant which does not have a Petroleum Activity Facility Risk Contour shown on the Planning Maps.</p> <p>For the purposes of this rule, the 650m distance is measured from the security fence within which the hazardous substances are used and stored at the</p>



					petroleum station/gas treatment plant.
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Add the following new Discretionary Activity Rule to Section 3.1.4:

- Rule 3.1.4 (x) Any additions or alterations of habitable rooms up to 20% of GFA to existing sensitive activity which is either:
- (i) within a Petroleum Activity Risk Contour shown on the Planning Maps, or
 - (ii) within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.

The GFA to be at the date the District Plan is made operative.

Add the following new Non-Complying Activity Rules to Section 3.1.5:

- Rule 3.1.5 (d) Any new sensitive activity within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.

- Rule 3.1.5 (e) Any new sensitive activity within a Petroleum Exploration or Petroleum Production Activity Risk Contour shown on the Planning Maps.

- Rule 3.1.5 (f) Any additions or alterations of habitable rooms 20% or greater of GFA to existing sensitive activity which is either:
- (i) within a Petroleum Exploration or Petroleum Production Activity Risk Contour shown on the Planning Maps; or
 - (ii) within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.

The GFA to be at the date the District Plan is made operative.

Section 20: Resource Consent Information Requirements and Assessment Matters

Add the following new Assessment Criteria to Section 20.5:

20.5.28 Sensitive Activities Near Petroleum Exploration or Petroleum Production Activity

An assessment of the risks to human health and risks of reverse sensitivity where a new sensitive activity is proposed within a Petroleum Activity Risk Contour or the additional setbacks/requirements from a petroleum exploration or petroleum production activity, the following information will be required:

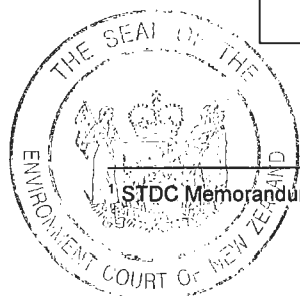
- (a) The nature, magnitude and extent of risks of an emergency event from the petroleum exploration or petroleum production activity, including whether the proposed new sensitive activity is sited outside the area of Unacceptable Risk (1×10^{-6});
- (b) Consultation with the operator of the existing petroleum exploration or petroleum production activity, and their view on the nature and location of the proposed new sensitive activity in terms of level of risk and potential reverse sensitivity effects.



Annexure B

Amend Section 1.6 of the Proposed District Plan to include cross-referencing table.¹

Objectives	Policies	Rules	Standards
2.8.3a	2.8.11(a)	12.1.4(b) 12.1.5(b)	
	2.8.11(b)	12.1.4(b) 12.1.5(b)	
	2.8.11(c)	12.1.4(b) 12.1.5(b)	
	2.8.11(h)	12.1.1(b), 12.1.1(bb), 12.1.1(c) 12.1.3(b), 12.1.3(bb), 12.1.3(c), 12.1.3(d) 12.1.4(c), 12.1.4(d) 12.1.5(c), 12.1.5(d)	
	2.8.11(XXX)	12.1.1(b), 12.1.1(bb), 12.1.1(c) 12.1.3(b), 12.1.3(bb), 12.1.3(c), 12.1.3(d) 12.1.4(c), 12.1.4(d) 12.1.5(c), 12.1.5(d)	
	2.8.11(YYY)	12.1.3(bb)	
	2.8.11(g)	12.1.3(b), 12.1.3(c), 12.1.3(d) 12.1.4(c), 12.1.4(d) 12.1.5(c), 12.1.5(d)	
	2.8.11(d)	12.1.5(e) 12.1.6(a)	
	2.8.11(e)	Planning Maps	
	2.8.11(f)	Planning Maps	
2.8.3b	2.8.11(i)	3.2.2.1 3.1.4(x) 3.1.5(d), 3.1.5(e), 3.1.5(f)	
	2.8.11(j)	3.2.2.1 3.1.4(x) 3.1.5(d), 3.1.5(e), 3.1.5(f)	



Annexure C

New method of implementation to be added to Section 2.8 Hazardous Substances:

Identify on the Planning Maps an alert layer that is subject to the potential presence of contaminants from abnormal flare operation at a petroleum facility, which has the potential to cause acute health effects. As the probability of an acute health effect occurring is low, this alert layer (the Petroleum Flare Alert Area) is non-regulatory and no District Plan rules are triggered by it. This alert layer is measured 70 m from flares at well-sites and 300 m from flares at production stations.

New text to be added to the explanatory text at the start of Section 12 Hazardous Substances Rules:

The Planning Maps contain an alert layer that is subject to the potential presence of contaminants from abnormal flare operation at a petroleum facility, which has the potential to cause acute health effects. As the probability of an acute health effect occurring is low, this alert layer (the Petroleum Flare Alert Area) is non-regulatory and no District Plan rules are triggered by it. This alert layer is measured 70 m from flares at well-sites and 300 m from flares at production stations. For information about the discharge to air from a flare, please contact the Taranaki Regional Council.

