

23 February 2023

Porirua Proposed District Plan
Jack Marshall
Hearing Administrator
Porirua City Council

By e-mail: jack.marshall@poriruacity.govt.nz
CC: dpreview@poriruacity.govt.nz

Dear Jack,

**RE: HEARING STREAM 7: VARIATION 1, PLAN CHANGE 19, RESIDENTIAL,
COMMERCIAL AND MIXED-USE ZONES – HEARING STATEMENT ON BEHALF OF THE
FUEL COMPANIES (SUBMITTER 78)**

1. Introduction

- 1.1 I refer to the abovementioned matter set down for the hearing commencing 13 March 2023. bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) lodged a submission to the Proposed District Plan (*PDP*) in November 2020, further submissions in May 2021 and a submission to Proposed Variation 1 to the PDP (*Variation 1*) in September 2022.
- 1.2 This Hearing Statement has been prepared on behalf of the Fuel Companies and represents their views. It is not expert evidence. The Fuel Companies will not be attending the hearing but ask that this Hearing Statement be tabled before the Panel.
- 1.3 bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited are referenced as the 'Oil Companies' in the S42A reports (Officer's Report: Part B – District-Wide Matters and Commercial Zones). For the avoidance of doubt, the correct abbreviation is the 'Fuel Companies' with this hearing statement addressing submission points and recommendations referenced as either.
- 1.4 The Fuel Companies' submission to the PDP addressed provisions in the Contaminated Land, Hazardous Substances, Natural Hazards, Earthworks, and Definitions Chapters of the PDP. Their further submissions related to these topics / chapters. Hearing Streams 1-6 have addressed all provisions of interest in that submission. The Fuel Companies' submission to Variation 1 addressed provisions in the Noise Chapter and one policy in four commercial zone Chapters (LCZ-P2, NCZ-P2, MCZ-P4 and MUZ-P2) which address reverse sensitivity effects.
- 1.5 The Fuel Companies generally support the s42A recommendations of the Reporting Officer, with one exception, as set out in the following sections of this hearing statement.

2. Submission Points OS78.2, OS78.3 and OS78.4 – Noise

2.1 In their submission, the Fuel Companies supported Rule NOISE-R4 and Standards NOISE-S5 and S6 and sought they be retained as notified. The S42A recommendation is to accept the submission points which the Fuel Companies support.

3. Submission Points OS78.5, OS78.6, OS78.7 and OS78.8 – Policies LCZ-P2, NCZ-P2, MCZ-P4 and MUZ-P2

3.1 In their submission on Variation 1, the Fuel Companies supported each of these policies and sought the policies are retained as notified.

3.2 The Fuel Companies' submissions points in support of Local Centre Zone Policy LCZ-P2, Neighbourhood Centre Zone Policy NCZ-P2 and Mixed-Use Zone Policy MUZ-P2 are recommended by the Reporting Officer to be accepted. The Fuel Companies support these recommendations.

Metropolitan Centre Zone Policy MCZ-P4

3.3 The Fuel Companies, in their submission to Variation 1, supported Policy MCZ-P4 and sought the policy be retained as notified.

3.4 In its submission, Kāinga Ora: Homes and Communities (*Kāinga Ora*) (Submission point OS76.317), supports the intent of the submission and seeks that the policy is amended, in particular by removing the reference to reverse sensitivity effects (Clause 4 of the policy) on the grounds that this is separately managed through the District Wide Noise Chapter.

3.5 The Reporting Officer, in paragraph 360, Page 65, of the Commercial Zones s42A report, agrees that MCZ-P4-4 should be deleted and states: "*In relation to Kāinga Ora [OS76.317], I agree that MCZ-P4-4 should be deleted. The MCZ is intended to create a vibrant mixed-use built environment. MCZ-P4-2 already requires the activity to be consistent with the purpose of the zone. Given the purpose and planned high density built environment, nuisance effects are adequately addressed in the NOISE and LIGHT chapters*". Appendix A confirms the Reporting Officer's recommendation that they accept Kāinga Ora's submission to delete clause 4 of Policy MCZ-P4. As follows:

Provide for other activities including larger-scale activities where:

1. Any significant adverse effects can be avoided, remedied or mitigated;

2. The activity is consistent with the planned urban built environment and purpose of the zone;

3. For any retirement village:

a. On-site amenity for residents is provided, which reflects the nature of and diverse needs of residents of the village;~~*and*~~

~~*4. Any potential reverse sensitivity effects on the continued operation of non-residential activities are minimised.*~~

3.6 The Fuel Companies agree that the Metropolitan Centre Zone (MCZ) is intended to create a vibrant, mixed-use environment. The Fuel Companies consider that the more intense residential densities enabled in the MCZ, and more permissive building standards, are likely to generate greater potential for reverse sensitivity effects that may affect the ongoing operation, maintenance and upgrade of their facilities which are a physical resource that must be managed under the Act.

3.7 The Fuel Companies consider that residential amenity will be better protected for larger-scale and higher-density residential developments where they have been appropriately designed to manage reverse sensitivity where there is an interface with lawfully established non-residential activities.

On this basis, the Fuel Companies consider that minimising reverse sensitivity effects is a relevant and important policy consideration in the MCZ (as it is for other commercial and residential zones) and therefore Policy MCZ-P4 should be retained as notified by Variation 1 as follows:

Provide for other activities including larger-scale activities where:

- 1. Any significant adverse effects can be avoided, remedied or mitigated;*
- 2. The activity is consistent with the planned urban built environment and purpose of the zone;*
- 3. For any retirement village:*
 - a. On-site amenity for residents is provided, which reflects the nature of and diverse needs of residents of the village; and*
- 4. Any potential reverse sensitivity effects on the continued operation of non-residential activities are minimised.*

4. Concluding Statement

4.1 In summary:

- The Fuel Companies support the Reporting Officer’s recommendations in relation to NOISE-R4 and Standards NOISE-S5 and S6 and Policies LCZ-P2, NCZ-P2 and MUZ-P2.
- The Fuel Companies do not support the Reporting Officer’s recommendation in relation to Policy MCZ-P4 and request that the Panel revert the policy to its notified version under Variation 1 to enable consideration of minimising reverse sensitivity effects where necessary.

4.2 Thank you for your time and acknowledgement of the issues raised in the Fuel Companies’ submissions. The Fuel Companies will not be attending the hearing but ask that this Hearing Statement be tabled before the Panel. Please do not hesitate to contact the writer on 021 022 23527 or sarahw@4sight.co.nz should you wish to clarify any matters addressed herein.

Kind Regards,



Sarah Westoby
Principal Planner
4Sight Consulting Ltd