

RMA Form 6

Further submission – Proposed Porirua District Plan

Clause 8 of First Schedule, Resource Management Act 1991

To: Porirua City Council
Email to: dpreview@porirua.govt.nz
Subject: Further submission - PDP
Post: Proposed District Plan, Environment and City Planning, Porirua City Council, PO Box 50-218, PORIRUA CITY
Delivery: Ground Floor, Council Administration Building, Cobham Court, Porirua City, marked "Attention: Proposed District Plan, Environment and City Planning"

Closing date for further submissions is 5pm Tuesday, 11 May 2021

Submissions, a summary of decisions requested and submitter contact details can be viewed at:

www.porirua.govt.nz/proposeddistrictplan

Further Submitter Contact Details			
Full Name	Last Name		First Name
	[insert additional rows if needed]		
Or Company/Organisation Name <i>if applicable</i>	Z-Energy Ltd, BP Oil NZ Ltd, and Mobil Oil NZ Ltd (The Oil Companies)		
Contact Person <i>if different</i>	David Le Marquand		
Email Address for Service	davidl@4sight.co.nz		
Address	201 Victoria Street West		
	Auckalnd	1142	
Mail Address for Service <i>if different</i>	PO Box 911 310, Victoria St West, 1142		
Phone	Mobile	Home	Work
	021 122 3429		
Attendance and wish to be heard at the hearing: <i>you must fill in both rows below</i>			
<input type="checkbox"/> I do not wish <input checked="" type="checkbox"/> I wish To be heard in support of my further submission <i>(Please tick relevant box)</i>			
<input checked="" type="checkbox"/> I will <input type="checkbox"/> I will not consider presenting a joint case with other submitters, who make a similar further submission, at a hearing. <i>(Please tick relevant box)</i>			

Relevance - you must select one box that applies to you:

- ☐ I am a person representing a relevant aspect of the public interest
- ☒ I am a person who has an interest in the proposal that is greater than the interest the general public has
- ☐ I am the local authority for the relevant area

Explain/specify the grounds for saying that you come within this category (you must fill this in):

The Oil Companies have an interest in the proposed plan that is greater than the interest of the general public as they receive, store and distribute refined petroleum products, with the core business of the oil companies being the operation and management of their individual service station networks, commercial refueling facilities and bulk storage (terminal) facilities.

Note to person making further submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Privacy note:

When a person or group makes a submission or further submission on the Proposed District Plan this is public information. Please note that by making a submission your personal details, including your name and addresses will be made publicly available under the Resource Management Act 1991. This is because, under the Act, any further submission supporting or opposing your submission must be forwarded to you as well as to PCC. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential please contact the Environment & City Planning Team at dpreview@porirua.govt.nz.

Signature of person making further submission
(or person authorised to sign on behalf of
person making further submission)



11th May 2021

Your further submission:

*Please complete section below and insert additional rows per submission point or submitter if required by using the enter button
Delete examples provided and enter your own further submission points*

Please refer to attached further submission document

**FURTHER SUBMISSIONS BY THE OIL COMPANIES: Z-ENERGY LIMITED, MOBIL OIL
NEW ZEALAND LIMITED AND BP NEW ZEALAND LIMITED ON SUBMISSIONS TO
PROPOSED PORIRUA DISTRICT PLAN**

To: Porirua District Council

By E-Mail: dpreview@porirua.govt.nz

Name of further submitter:

Z-Energy Ltd
PO Box 2091
WELLINGTON

BP Oil NZ Ltd
PO Box 892
WELLINGTON

Mobil Oil NZ Ltd
PO Box 1709
AUCKLAND

Hereafter referred to as the "Oil Companies".

- 1. The Oil Companies further submissions are as contained in the attached Table.**
- 2. The Oil Companies are making further submissions as a person that has an interest in the proposed plan that is greater than the interest of the general public.**
- 3. The Oil Companies do wish to be heard in support of their further submissions.**
- 4. If others make similar submissions the Oil Companies may be prepared to consider presenting a joint case with them at any hearing.**

Dated at AUCKLAND this 11th day of May 2021

Signature on behalf of the Oil Companies:



Sean Stirling
Authorised to Sign on Behalf of the Oil Companies

Address for service:

4SIGHT CONSULTING LIMITED

201 Victoria Street West
PO Box 911 310

Attention: David Le Marquand

Ph: 021 122 3429

Email: davidl@4sight.co.nz

**FURTHER SUBMISSIONS ON BEHALF OF THE OIL COMPANIES
ON SUBMISSIONS TO THE PROPOSED PORIRUA DISTRICT PLAN**

Submission	Relief Sought By Submitter	Position of Further Submitter	Reason For Support / Opposition
Kāinga Ora Submitter 81	<p>Submission Point 81.407</p> <p>Support in part NH-P2 subject to deletion of reference to Natural Hazard Overlay, and amendment to policy to incorporate use of the word 'increased' due to the significant number of properties and activities currently located and establishing in these hazard areas along with the replacement of the word 'avoid' with 'managed' for the same reason.</p> <p>The amended policy would read as follows:</p> <p><i>Avoid the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Hazard Areas of the Natural Hazard Overlay unless it can be demonstrated that:</i></p> <ol style="list-style-type: none"> 1. <i>The activity has a critical operational need and functional need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option;</i> 2. <i>The activity incorporates mitigation measures that demonstrate that <u>increased</u> risk to people's life and wellbeing; and building damage is <u>managed avoided</u>;</i> 3. <i>People can safely evacuate the property during a natural hazard event; and</i> 4. <i>The risk to the activity and surrounding properties is either avoided, or is low due to site-specific factors, and/or the scale, location and design of the activity.</i> 	Support	The Oil companies support the relief sought by the submitter on the basis that the proposed policy unduly restricts the use and development in existing strategic areas, such as the City Centre where recognition of the management of increased risk needs to be incorporated rather than its avoidance.

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	<p>Submission Point 81.421</p> <p>Support in part NH-R6 subject to change in activity status for proposals that are unable to achieve compliance with NH-R6-1.a. or NH-R6-1.b. from Non-complying to Discretionary as A non-complying activity status is not reflective of the risk profile. A Discretionary Activity status still affords Council the appropriate considerations.</p> <p>The amended provision would read as follows:</p> <p><i>NH-R6 Any Hazard-Sensitive Activity and Potentially-Hazard-Sensitive Activity and associated buildings in Low Hazard Areas in a Natural Hazard Overlay</i></p> <p><i>1. Activity status: Restricted discretionary</i></p> <p><i>Where:</i></p> <p style="padding-left: 40px;"><i>a. Any buildings within a Flood Hazard - Ponding Overlay are located above the 1:100 year flood level, where this level is the bottom of below the floor joists or the base of the concrete floor slab; or</i></p> <p style="padding-left: 40px;"><i>b. Any buildings and activities are located no closer than 20m from either side of either the Pukerua Fault Rupture Zone or the Ohariu Fault Rupture Zone.</i></p> <p><i>Matters of discretion are restricted to:</i></p>	Support	The Oil Companies Support the relief sought by the submitter on the basis that the proposed provisions are not reflective of the risk profile.

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	<p>1. <i>The matters in NH-P4.</i></p> <p>Notification:</p> <p><i>An application under this rule is precluded from being publicly <u>or limited</u> notified in accordance with sections <u>95BA</u> and <u>95B</u> of the RMA.</i></p> <p>2. Activity status: Discretionary</p> <p><i>Where:</i></p> <p><i>a. Compliance is not achieved with NH-R6-1.a or <u>NH-R6-1.b.</u></i></p> <p>Notification:</p> <p><i>An application under this rule is precluded from being publicly <u>or limited</u> notified in accordance with sections <u>95BA</u> and <u>95B</u> of the RMA.</i></p> <p>2. Activity status: Non-complying</p> <p><i>Where:</i></p> <p><i>a. Compliance is not achieved with NH-R6-1.b.</i></p>		
	<p>Submission Point 81.423</p> <p>Support in Part NH-R8 subject to change in activity</p>	<p>Support</p>	<p>The Oil Companies Support the relief sought by the submitter on the basis that the proposed provisions as a non-complying activity would</p>

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	<p>status from Non-Complying to Discretionary in due to a large area of the City Centre of Porirua being located within a High Hazard Area and the rule as proposed will considerably constrain both residential and commercial development opportunities within Central City.</p> <p>The amended provision would read as follows:</p> <p><i>NH-R8 Any Hazard-Sensitive Activity and Potentially-Hazard-Sensitive Activity and associated buildings within the High Hazard Areas in a Natural Hazard Overlay</i></p> <p><i>City Centre Zone</i></p> <p><i>1. Activity status: Non-complying <u>Discretionary</u></i></p> <p><u><i>All zones except the City Centre Zone</i></u></p> <p><i><u>Activity status: Non-complying</u></i></p>		significantly constrain the use and development of the City Centre Zone.
	<p>Submission Point 81.488</p> <p>Support in part EW-R1, to incorporate all relevant exclusions to earthworks rules from the standards to EW-R1.</p> <p>The amended provision would read as follows:</p>	Support in Part	The Oil Companies support the relocation of appropriate exemptions to earthworks provisions to EW-R1. However, the provision should also include additional exemptions In line with the Oil Companies original submissions in relation EW-S1 & S2, additional exemptions for earthworks associated with maintenance, replacement or upgrade of underground petroleum storage systems, and

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	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>Compliance is achieved with:</p> <ol style="list-style-type: none"> EW-S1; EW-S2; EW-S3; EW-S4; and EW-S5. <p>For the avoidance of doubt this rule applies to all earthworks, except EW-R2 and EW-R3</p> <p><u>Note: In addition to those activities exempted by the Earthworks definition, the rules in this chapter do not apply to:</u></p> <ul style="list-style-type: none"> <u>tree planting, or the removal of trees where they are not protected by the District Plan;</u> <u>test pits, wells or boreholes permitted under a regional plan or where all necessary regional resource consents have been obtained;</u> <u>utility related earthworks provided for in Infrastructure chapter of the Plan;</u> <u>installation and construction of service connections;</u> <u>earthworks to install and/or remove effluent disposal systems;</u> <u>earthworks for a swimming pool which do not extend further than 2m from the edge of the swimming pool;</u> <u>earthworks associated with the laying of</u> 		temporary cut and fill that does not result in a change to ground level once completed.

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	<p><u>a safety surface for children's play equipment;</u></p> <ul style="list-style-type: none"> • <u>cemeteries, including pet cemeteries, urupā; and</u> • <u>earthworks regulated under a national environment standard, including but not limited to, the National Environmental Standards for Electricity Transmission Activities 2009, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011, National Environmental Standards for Telecommunication Facilities 2016 and National Environmental Standards on Plantation Forestry 2017, unless otherwise subject to a rule in this Plan.</u> 		
Porirua City Council Submitter 11	<p>Submission Point 11.36</p> <p>Amend NH-R6-1.b so that it relates only to activities within fault rupture zones that are outside an area 20m either side of the fault itself.</p> <p>The amended provision would read as follows:</p> <ul style="list-style-type: none"> a. <i>Any buildings within a Flood Hazard – Ponding Overlay are located above the 1:100 year flood level, where this level is the bottom of the floor joists or the base of the concrete floor slab; or</i> b. <i>Any buildings and activities are located within the Pukerua Fault Rupture</i> 	Support in Part	The Oil Companies Support the relief sought by the submitter in part on the basis that the NH-R6-1.b. should apply to activities within 20m from the fault itself, however in line with Kāinga Ora's submission on NH-R6-1.b. see that the activity status for the activity should be discretionary in line with the risk profile providing for appropriate management of increased risk.

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	<p><i>Zone or the Ohariu Fault Rupture Zone are located no closer than 20m from either fault the Pukerua Fault Rupture Zone or the Ohariu Fault Rupture Zone; or</i></p> <p>c. <i>Any buildings and activities are located within the Moonshine Fault Rupture Zone are located within 20m of either side of the Moonshine Fault.</i></p> <p><i>Note: To avoid doubt, once the Moonshine Fault is located through site-specific investigation, there are areas within the mapped Moonshine Fault Rupture Zone that will be outside of 20m of either side of the Fault Line. These areas are not a Low Hazard Area, and are therefore not subject to the Natural Hazard chapter rules (unless affected by another hazard such as a Flood Hazard).</i></p>		
Waka Kotahi NZ Transport Agency Submitter 82	<p>Submission point 82.180</p> <p>Amend SIGN-P4 to strengthen policy position on the avoidance of certain signage.</p> <p>The amended policy would read:</p> <ol style="list-style-type: none"> 2. <i>Controlling sign proliferation, illumination levels, light spill, <u>reflectivity</u>, flashing and moving images and digital signs;</i> 3. <i>Avoiding signs that <u>obscure</u>, imitate, compete with, <u>cause confusion</u> or give instructions that conflict with traffic signs, <u>official road sign</u> or traffic control devices; and</i> 	Oppose in part	The Oil Companies oppose the relief sought by the submitter to the extent the proposed amendment potentially unduly restricts all illuminated or digital signage that face or adjoin a state highway where various examples of illuminated signage have been and may continue to be safely established on sites adjoining a state highway. The intention may be to restrict such signs only where there is an off-site sign but this is far from clear. The Oil Companies consider that certain digital or illuminated signs can be established adjoining state highway while appropriately managing potential traffic safety effects. The policy should focus on the management of such

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	<p>4. Allowing <u>Avoiding signs that do not obstruct sightlines when located parallel to the transport network.</u></p> <p>5. <u>Avoiding signs that compromise public health and safety on the transport network.</u></p> <p>6. <u>Avoiding signs that compromise the efficient operation of the transport network.</u></p> <p>7. <u>Avoiding off-site, illuminated or digital signs that face or is adjacent to a state highway</u></p>		effects rather than avoidance of signs per se.
	<p>Submission Point 82.193</p> <p>Supports the activity status for digital signs in the respective zoning under SIGN-R12</p>	Support in part	The Oil Companies support in part the proposed activity statuses for digital signs subject to consideration of the Oil Companies points regarding SIGN-P4 above and SIGN-S12 below which look to ensure the relevant standards and policy position on digital signage adjoining or within view of a state highway are not unduly restrictive and should provide for appropriate management of potential safety risk to the state highway network.
	<p>Submission Point 82.211</p> <p>Support in part under SIGN-S12 the control of location, operation and display of digital billboards adjacent to state highways to be extended to include all digital billboards which are visible from a state highway.</p> <p>The amended standard would include the following amendments</p> <p>3. <u>Signs with digital displays must not be visible from a state highway or be located on a site that adjoins a state highway.</u></p>	Oppose	The Oil Companies oppose the relief sought by Waka Kotahi on the basis that some signs involving digital displays can established adjoining and or visible from state highway through the appropriate management of potential safety effects to state highway users. Although it is recognised that some digital signs involving image changes, flashing, etc will not be appropriate, others that may be captured by the proposed provisions may be appropriate and can have any potential safety effects appropriately managed.

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	<i>Where the matters of discretion refer to “driver, cyclist and pedestrian safety” this term is sought to be replaced by <u>‘the transport network and its users’</u></i>		
	Submission Point 82.202 Amend Separation distances between signs under SIGN-Table 1	Oppose	The Oil Companies oppose the relief sought by Waka Kotahi on the basis that the proposed relief seeks excessive separation distances for free standing signs in identified areas.
	Submission Point 82.204 Amend Separation distances between signs under SIGN-Table 3	Oppose	The Oil Companies oppose the relief sought by Waka Kotahi on the basis that the proposed relief seeks excessive separation distances for free standing signs in identified areas.
Kimberley Vermey Submitter 50	Submission 50.1 Amend the definition of Potentially-Hazard-Sensitive Activities to remove retirement villages and add service stations.	Oppose in Part	The Oil Companies oppose the relief sought by the submitter in part on the basis that the inclusion of service stations as a potentially-hazard-sensitive activity incorrectly identifies service stations as susceptible to natural hazards such as flooding where in reality the design and layout of service stations are resilient to inundation. The Oil Companies request the submission be rejected in part where it relates to the inclusion of service stations to the definition of potentially-hazard-sensitive activities.