

9 June 2023

Proposed Wellington District Plan
Jaskirat Kaur
Hearings Administrator
Wellington City Council

By e-mail: Jaskirat.kaur@wcc.govt.nz

RE: HEARING STREAM 4: CENTRES HEARING STATEMENT ON BEHALF OF THE FUEL COMPANIES (SUBMITTER 372)

1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*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. For the avoidance of doubt, Z Energy Limited has also made a submission separate from that for the Fuel Companies and is not covered by this hearing statement.
- 1.2 The Fuel Companies (submitter 372) made submissions on several chapters of the Proposed Wellington District Plan (*PDP*). The submission points that relate to Hearing Stream 4 include:
- Yard-based Retailing Activities in the City Centre Zone (*CCZ*), Metropolitan Centre Zone (*MCZ*), Local Centre Zone (*LCZ*) and Neighbourhood Centre Zone (*NCZ*).
 - General Industrial Zoning for the Miramar and Kaiwharawhara fuel terminal facilities.

2. Yard-based Retailing Activities: Existing Activities (CCZ, MCZ, LCZ or NCZ)

- 2.1 In their submission, the Fuel Companies supported the definition of Yard-based Retailing Activities, as notified (submission point 372.21). The Fuel Companies support the S42A recommendation (Overview and General Matters report) to retain the definition as notified.
- 2.2 The Fuel Companies made multiple submission points¹ seeking the removal of the mandatory notification requirement from the rules for yard-based retailing activities in the City Centre Zone (*CCZ*), Metropolitan Centre Zone (*MCZ*), Local Centre Zone (*LCZ*), and Neighbourhood Centre Zone (*NCZ*).
- 2.3 The reason for the submission points is that it would have unintended consequences that are potentially disproportionate for the scale of effects for any operational change, upgrading or maintenance to an existing yard-based retailing activity. In these circumstances it is considered more appropriate to determine notification requirements through the standard notification tests at

¹ Submission points 372.153 and 372.154 for the *CCZ*, 372.151 and 372.152 for the *MCZ*, 372.149 and 372.150 for the *LCZ*, and 372.147 and 372.148 for the *NCZ*.

the application stage. The s42A reports² agreed with the submission points and have recommended to remove the mandatory notification requirement for existing yard-based retailing activities by amending the relevant rules as follows:

Yard-based retailing activities

Notification Status:

An application for resource consent made in respect of rule [CCZ-R15, MCZ-R16, LCZ-R15, NCZ-R14] must be publicly notified except when:

a. The activity relates to the maintenance, operation and upgrading of an existing activity.

2.4 These recommendations to the rules are supported by the Fuel Companies.

3. Yard-based Retailing Activities: New Activities (CCZ, MCZ, LCZ or NCZ)

3.1 The Fuel Companies' submission also sought the removal of the mandatory notification requirement from the rules (within the CCZ, MCZ, LCZ or NCZ) for new yard-based retailing activities where these are located on the edge of the zone or adjacent to an arterial or collector road. The reason for these submissions points is that these locations do not have the same urban design outcomes and levels of visual amenity compared to a more centrally located site in the zone. When located at the edge of the zone, the new yard-based retailing activity can be appropriately transitioned into the adjoining zone.

3.2 The s42A reports disagreed with the exemption from notification for a new yard-based activity where it is located at the periphery of the zone and adjacent to a different zone. In particular, the s42a reports noted that "*the mandatory requirement for public notification is appropriate as it discourages these activities from occurring within the zone at the expense of more appropriate activities.*"

3.3 On the contrary, the Fuel Companies consider that a new yard-based retailing activities located at the periphery of the zone and adjacent to an arterial or collector road may be an appropriate location for the new activity. There will be circumstances where the new activity is compatible with the zone, and other circumstances where it may be potentially incompatible with the zone. In either case, the Fuel Companies consider that it is more efficient and equitable to apply the standard notification tests at the application stage, based on the effects of the proposal and the compatibility with the zoning in which it is located.

3.4 The Fuel Companies suggest the following change to the relevant rules (additions double underlined):

Yard-based retailing activities

Notification Status:

An application for resource consent made in respect of rule [CCZ-R15, MCZ-R16, LCZ-R15, NCZ-R14] must be publicly notified except when:

a. The activity relates to the maintenance, operation and upgrading of an existing activity.

b. The activity relates to the development of a new activity that is located at the periphery of the zone and adjacent to an arterial or collector road.

² S42A reports – Part 1 for the CCZ, Part 2 for the MCZ, Part 3 for the LCZ, and Part 4 for the NCZ.

4. General Industrial Zoning: Miramar and Kaiwharawhara Fuel Terminals

4.1 In their submission, the Fuel Companies supported the General Industrial Zone being retained for the Miramar and Kaiwharawhara Fuel Terminals (submission points 372.3 and 372.5). The Fuel Companies support the s42A recommendation (General Industrial Zone report) to retain the zoning for the terminals.

5. CONCLUDING STATEMENT

5.1 Thank you for your time and acknowledgement of the issues raised in the Fuel Companies' submissions. Please do not hesitate to contact the writer (miles.rowe@4sight.co.nz, ph. 0272762532) should you wish to clarify any matters addressed herein.

Kind regards,

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a long, wavy horizontal line.

Miles Rowe
Principal Planning Consultant
4Sight Consulting Ltd