

18 July 2023

Proposed Wellington District Plan
Jaskirat Kaur
Hearings Administrator
Wellington City Council

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

RE: HEARING STREAM 5 – EARTHWORKS, NATURAL AND COASTAL HAZARDS, SUBDIVISION, THREE WATERS AND NOISE

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 (submitter 372) will not be attending the hearing but ask that this Hearing Statement be tabled before the Panel.
- 1.2 The Fuel Companies made submissions on several chapters of the Proposed Wellington District Plan (PDP). The submission points that relate to Hearing Stream 5 and that are addressed in this hearing statement include:
- Definitions of Hazard Sensitive Activities, Less Hazard Sensitive Activities, Potentially Hazard Sensitive Activities, Cut Height, Earthworks, Land Disturbance and Noise Sensitive Activities.
 - Earthworks Chapter – Rule EW-R1 and Standards EW-S1 and EW-S4.
 - Natural Hazards Chapter – Rules NH-R4, NH-R10 and NH-R11.
 - Noise Chapter – Policy NOISE-P4, Standard NOISE-S1 and Permitted Noise Standards APP4.

2. DEFINITIONS

- 2.1 In their submission, the Fuel Companies supported the notified definitions of ‘Earthworks’, ‘Land Disturbance’, ‘Cut Height’ and ‘Fill Depth’. The Fuel Companies support the Section 42A (S42A) recommendation to retain these definitions as notified.
- 2.2 The Fuel Companies supported the notified definitions of ‘Potentially Hazard Sensitive Activities (PHSA)’ and ‘Noise Sensitive Activities (NSA)’. The S42A recommendation proposes minor amendments to these definitions to reflect the relief sought by other submitters. The Fuel Companies support these recommended amendments.
- 2.3 The Fuel Companies supported the notified definition of ‘Hazard Sensitive Activities’ which includes Hazardous Facilities (HF) and Major Hazard Facilities (MHF). The Fuel Companies noted however that Hazardous Facilities is not defined in the PDP and sought clarity on whether a definition would be proposed and/or the type activities this term was intended to capture. The s42a recommendation has not provided the requested clarification.

- 2.4 The Fuel Companies accept that Hazardous Facilities, including a definition and more generally, do not strictly relate to natural or coastal hazards (and Hearing Stream 5 more broadly) which may be the reason why a definition or the requested clarity has not been provided in the S42A recommendation. The Fuel Companies therefore anticipate that this matter will be addressed as part of later hearing stream (e.g. Hearing Stream 9 – Infrastructure and Risks (Hazardous Substances)).
- 2.5 The Fuel Companies consider that a definition of Hazardous Facilities is important to confirm whether an activity meets the definition of a Hazard Sensitive Activities (*HSA*) which is subject to different rules and policy direction than other activities that are less sensitive to natural hazards (i.e. Potentially Hazard Sensitive Activities and Less Hazard Sensitive Activities).
- 2.6 The Fuel Companies would appreciate the opportunity to be involved in developing a definition of Hazardous Facilities if it is to be progressed as part of this Hearing Stream.

3. EARTHWORKS

- 3.1 The Fuel Companies sought to remove '*associated with service stations*' from the wording of Rule EW-R1 to enable the rule to apply more broadly to underground petroleum storage systems associated with other activities (e.g. truck stop) and to be aligned with the regulations of National Environmental Standards for Assessing and Managing Contaminants in Soil to Protected Human Health (NESCS). The S42A recommendation is to accept this relief which is supported by the Fuel Companies.
- 3.2 The Fuel Companies sought to increase the permitted threshold of 250m² in Standard EW-S1 as it was not clearly justified in the Section 32 analysis and that the thresholds should correspond with the permitted cut and fill volumes in Standard EW-S4. The S42A recommendation is to reject the Fuel Companies submission point. The Fuel Companies accept the reasoning provided in the S42A recommendation.
- 3.3 The Fuel Companies supported Standard EW-S4 but sought clarity that the standard only seeks to restrict the volume of material transported 'to' and 'from' the site with no restriction on the volume of material to be moved within the site. The s42A recommendation confirms that the standard only applies to the volume of material transported 'to' and 'from' the site, which the Fuel Companies support.

4. NATURAL HAZARDS

- 4.1 In their submission, the Fuel Companies supported notified rules NH-R4, NH-R10, NH-R11 which relate to additions to buildings, Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in the Flood Hazard Overlay. The s42A recommendation is to make amendments to the wording of the corresponding standards of each rule which is supported by the Fuel Companies.
- 4.2 Specific to NH-R10 and NH-R11, the S42A recommendation is to also amend the name of the rules to clarify they apply to buildings that contain the activities rather than the activities themselves. The Fuel Companies support this approach.

5. NOISE

- 5.1 In their submission, the Fuel Companies supported notified Standard NOISE-S1 and APP4 – Permitted Noise Standards. The Fuel Companies support the S42A recommendation to retain these provisions as notified.
- 5.2 The Fuel Companies supported Policy NOISE-P4 which encourages acoustic treatment for new NSA within specific zones and overlays to minimise reverse sensitivity effects on existing lawfully established non-residential activities. The Fuel Companies considered however that this policy should also extend to new NSA that are proposed at the interface with these specified zones and overlays where reverse sensitivity effects can also occur. The S42A recommendation is to reject this submission point on the basis that potential reverse sensitivity effects arising from noise will be managed through compliance with APP4 – Permitted Noise Standards which prescribes lower limits for activities where they adjoin a more noise sensitive zone (e.g. residential zones).
- 5.3 In their submission, the Fuel Companies noted that the potential for reverse sensitivity effects is likely to increase due to higher residential densities in taller buildings located in close proximity to existing lawfully established non-residential activities. For instance, an occupier on a third storey apartment building is more likely to perceive noise effects compared to an occupier of single-storey dwelling which is less elevated and, more than likely, screened by a fence and landscaping, despite no change in the nature or intensity of noise generated by the non-residential activity.
- 5.4 The Fuel Companies consider that the relief set out in their submission provides direction to manage reverse sensitivity effects in areas where they are also likely to occur (i.e. interfaces between more sensitive zones and non-residential activities) and may result in better amenity outcomes for the new NSA. The Fuel Companies accept however that APP4 – Permitted Noise Standards requires that noise be measured at the *'boundary of any site with the receiving zones'* so the scale and design of new residential developments will not compromise the non-residential activity's ability to comply with APP4 – Permitted Noise Standards. As such, the Fuel Companies support the S42A recommendation.

6. CONCLUDING STATEMENT

- 6.1 Thank you for your time and acknowledgement of the issues raised in the Fuel Companies' submission. Please do not hesitate to contact the writer on 021 948 073 should you wish to clarify any matters addressed herein.

Kind Regards,



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