
SUBMISSION ON A PROPOSED PLAN PURSUANT TO CLAUSE 6 OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991

Local authority: Hutt City Council
Private bag 31-912
Lower Hutt 5040

Attention: District Plan Team

Email: district.plan@huttcity.govt.nz

Submission on: Proposed Lower Hutt District Plan

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(Hereafter referred to as **the Fuel Companies**)

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SLR Ref No.: Submission - Fuel Companies - Proposed Lower Hutt District Plan
SLR Project No.: 810.031505.00001 (10)



INTRODUCTION

1. The Hutt City Council (**the Council**) has publicly notified the Proposed Lower Hutt District Plan (**the PDP**) pursuant to clause 5 of Schedule 1 of the Resource Management Act 1991 (**the RMA**). This is the submission of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (**the Fuel Companies**) pursuant to clause 6 of Schedule 1 of the RMA.
2. The Fuel Companies receive, store and distribute refined petroleum products across New Zealand. The Fuel Companies' core business in Hutt City is the operation and management of their individual service station and truck stop networks, commercial refuelling facilities and bulk storage (**terminal**) facilities in Seaview.
3. The Fuel Companies operate four bulk fuel storage terminals within the Seaview industrial area. Fuel is delivered to the terminals by way of a 3km long joint industry pipeline (the wharfline) extending between Seaview Wharf, at Point Howard, and the Seaview industrial area. From there, product is distributed by road tankers around the Lower North Island. Approximately 80 million litres of petroleum products are supplied and distributed via the wharfline and terminals annually. These facilities are regionally significant infrastructure, which are of strategic importance for the functioning of the regional economy. It is, therefore, appropriate that their management is comprehensively addressed in the PDP.

SCOPE OF THIS SUBMISSION

4. Schedule A details the provisions that this submission relates to, the reasons for this submission and the relief sought by this submission. The Fuel Companies support alternative relief that achieves the same outcomes.
5. In addition to the specific outcomes and relief sought by this submission, the following general relief is sought:
 - 5.1. That the PDP achieves the following:
 - a. the purpose and principles of the RMA and consistency with the relevant provisions under sections 6 to 8 of the RMA;
 - b. give effect to the National Policy Statement on Urban Development and the Regional Policy Statement for the Wellington Region;
 - c. avoid duplication with the Natural Resources Plan for the Wellington Region or other legislation;
 - d. assist the Council to carry out its functions under section 31 of the RMA;
 - e. meet the requirements of the statutory tests under section 32 of the RMA;
 - f. avoid, remedy or mitigate any relevant and identified environmental effects;
 - 5.2. Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the document that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and
 - 5.3. Any other relief required to give effect to the issues raised in this submission.

ADMINISTRATIVE MATTERS

6. The Fuel Companies could not gain an advantage in trade competition through this submission.



7. The Fuel Companies are directly affected by an effect of the subject matter of this submission that:
 - 7.1. adversely affects the environment; and
 - 7.2. does not relate to trade competition or the effects of trade competition.
8. The Fuel Companies wish to be heard in support of this submission.
9. If others make similar submissions, the Fuel Companies may be prepared to consider presenting a joint case with them at any hearing.

Signed on behalf of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited



Miles Rowe

Team Leader Hamilton - Planning
SLR Consulting New Zealand Limited



SCHEDULE A

Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
Part 1: INTERPRETATION - Definitions			
<ul style="list-style-type: none"> • Accessory building • Activity sensitive to hazardous substance risks • Activity sensitive to light • Activity sensitive to noise • Activity sensitive to privacy intrusion • Addition • Alteration • Ancillary activity • Ancillary building • Best practicable option • Building • Building coverage • Building footprint • Coastal environment • Coastal hazard overlays • Co-location benefits • Commercial activity • Commercial and Mixed Use Zones • Construction activity • Contaminated land • Digital sign • Fault Location Area • Flood Hazard Overlays • Functional need • Hazardous substance • Hazardous Substance Risk Management Overlay • Heavy industrial activity • High Coastal Hazard Overlay • High Coastal Inundation Hazard Overlay • High Flood Hazard Overlay • High natural hazard overlay • High Tsunami Hazard Overlay • Infrastructure • Industrial activity • Liquefaction Hazard Overlay 	Support	The Fuel Companies support the intent of these provisions and seek that they are retained.	Retain the definitions as notified.



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<ul style="list-style-type: none"> • Low Flood Hazard Overlay • Low hazard overlay • Low Tsunami Hazard Overlay • Medium coastal hazard overlay • Medium Coastal Inundation Hazard Overlay • Medium Flood Hazard Overlay • Medium hazard overlay • Natural hazard • Natural hazard overlay • Network utility operator • Operational need • Sensitive activities • Sign • Sites and Areas of Significance to Māori • Slope Assessment Overlay • Stormwater • Structure • Three waters network, three waters • Upgrading • Wastewater • Water sensitive design 			
Activity least sensitive to natural hazards	Support in part	The Fuel Companies support the intent of this provision however it should be clarified for plan users that any other activity not classified as being most or potentially sensitive to natural hazards is least sensitive to natural hazards.	Amend the “activity least sensitive to natural hazards” definition as follows: <i>means a:</i> <ul style="list-style-type: none"> a. accessory building used for non-habitable purposes, b. building associated with marina operations (above MHWS), c. passive recreation activity, d. parks facility, or e. plantation forest or plantation forestry, or <u>or</u> f. <u>any other activity that is not an activity most sensitive to natural hazards or activity potentially sensitive to natural hazards.</u>
Activity most sensitive to natural hazards	Oppose	<p>The Fuel Companies oppose this definition to the extent that it captures service stations, truck stops and bulk fuel storage terminals. Doing so is inappropriate and unnecessary for the following reasons:</p> <ul style="list-style-type: none"> • Infrastructure commonly found at these sites (e.g., fuel storage tanks, pipelines, stormwater infrastructure) is subject to a range of engineering design requirements (including the Hazardous Substances and New Organisms Act 1996 (HSNO) and associated regulations), such that it is generally resilient to natural hazard events such as earthquakes and floods. Compliance with industry best practice would, in any case, require the design of facilities to maintain their integrity and function during natural hazard events. • This resiliency was evidenced for instance in relation to the Christchurch earthquakes in 2010 and 2011; while the underground tanks at several Christchurch service stations 	Amend the “activity most sensitive to natural hazards” definition as follows: <i>means a:</i> <ul style="list-style-type: none"> a. residential activity, b. retirement village, c. supported residential care facility, d. marae, e. healthcare activity, f. educational facility, g. childcare services, h. community facility,



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		<p>were displaced by the September 2010 and February 2011 earthquakes, there were no simultaneous compartment failures and no product was lost, confirming the resilience of these structures when designed, installed and operated in accordance with HSNO regulations and industry standards. It is also noted that the Seaview Wharfline is currently being upgraded to future proof its earthquake resiliency (these works are in progress and further information can be found here: https://seaviewproject.co.nz/).</p> <ul style="list-style-type: none"> • These sites do not attract large numbers of people, nor are they activities where people may be restricted from leaving the site in the event of a natural hazard emergency, such as to the extent other activities, such as a prison, hospital or childcare centre (all of which are appropriately classed as most hazard sensitive activities) might be. • In the case of the terminals, the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 (HSWA) require robust operational / system management protocols to be implemented to ensure efficient and proactive responses are in place, in the event of a natural hazard emergency. • These sites are no more sensitive to flood, instability and coastal hazard than many of the activities that have been categorised as potentially sensitive activities and are comparable in nature to other activities which use and store significant volumes of hazardous substances (such as for instance ports, trucking depots and major industry/processors) all of which would fall as “potentially sensitive” activities. • The Plan defines a “significant hazardous facilities” but does not define “hazardous facility” and does not otherwise use the term “major hazardous facility”. • The Fuel Companies consider it appropriate for significant hazardous facilities fall as “potentially sensitive” activities. 	<ul style="list-style-type: none"> i. emergency services facility, j. hazardous facility or major hazardous facility, k. custodial corrections facility, l. visitor accommodation, or m. place of assembly.
Activity potentially sensitive to natural hazards	Support in part	The Fuel Companies support the inclusion of “commercial activities” as part of this definition, which includes service stations. However, for the Fuel Companies request the inclusion of significant hazardous facilities per the reasons identified in their submission the “activity most sensitive to natural hazards” definition.	<p>Amend the “activity potentially sensitive to natural hazards” definition as follows: <i>means a:</i></p> <ul style="list-style-type: none"> a. active recreation activity, b. building associated with primary production (excluding residential units, minor residential units, residential activities or buildings identified as activities least sensitive to natural hazards), c. commercial activity, d. conservation activity, e. cultivation activity, f. customary activity, g. customary harvesting, h. entertainment facility, i. food and beverage activity, j. industrial activity, k. major sports facility, l. office activity, m. sports facility, n. primary production activity, o. quarrying activity, p. rural activity, or q. rural industry, <u>or</u> r. <u>significant hazardous facility.</u> <p>but excludes any activities most sensitive to natural hazards and activities least sensitive to natural hazards.</p>



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Activity sensitive to industry	Oppose	<p>The term “activity sensitive to industry” does not currently appear to be used in any parts of the PDP, in which case it is creates unnecessary complexity in the PDP and should be deleted.</p> <p>However, the Fuel Companies have suggested this term could be used in relation to provisions in the industrial zones that seek to manage land use compatibility issues at the boundary between industrial zones and zones used for more sensitive activities (namely Residential, Mixed Use, Marae and Rural zones). In particular, given the Mixed Use zone provides for a broad range of activities, including light manufacturing and servicing, the Fuel Companies consider it is unduly onerous to restrict servicing of activities in industrial zones that adjoin the Mixed Use zone, where existing Mixed Use zone activities are not sensitive to the effects generated by servicing of industrial activities.</p> <p>On that basis, the Fuel Companies could support retention of a definition of ‘activity sensitive to industry’ subject to the following changes:</p> <p>It is not uncommon to see ‘community facilities’ and ‘places of assembly’ in or adjacent to industrial areas. These activities often occur outside standard working hours, and so do not necessarily result in a direct conflict. In some cases, these types of activities are drawn to industrial locations where they won’t disturb residential neighbours as a result of traffic generation or noise, and due to the availability of comparatively cheaper and larger sites.</p> <p>On that basis, the Fuel Companies consider ‘community facilities’ and ‘places of assembly’ should be excluded from the definition of “activity sensitive to industry”.</p>	<p>Amend the definition “activity sensitive to industry” as follows:</p> <p><i>Activity sensitive to industry:</i> <i>means a:</i></p> <ol style="list-style-type: none"> 1. residential activity, or 2. retirement village, or 3. supported residential care facility, or 4. marae, or 5. healthcare activity, or 6. community facility, or 7. custodial corrections facility, or 8. visitor accommodation activity, or 9. place of assembly.
Cleanfill material	Support in part	The Fuel Companies support the intent of the definition but seek that it includes reference to other materials including concrete or brick, consistent with the NRP definition of “cleanfill material”.	<p>Amend the “cleanfill material” definition as follows:</p> <p><i>means virgin excavated natural materials including clay, gravel, sand, soil and rock, <u>and other inert materials such as concrete or brick</u> that are free of:</i></p> <ol style="list-style-type: none"> a. combustible, putrescible, degradable or leachable components, b. hazardous substances and materials, c. products and materials derived from hazardous waste treatment, stabilisation or disposal practices, d. medical and veterinary wastes, asbestos, and radioactive substances, e. contaminated soil and other contaminated materials, and f. liquid wastes.
Drive-through activity	Support	The Fuel Companies support the intent of this provision, noting that service stations are specifically excluded, and seek that it is retained.	Retain the “drive-through activity” definition as notified.
Earthworks	Oppose	The definitions for “earthworks”, “land disturbance” and “minor earthworks” are related terms, but with some differences. Land disturbance applies where the profile, contour or height of the land is not permanently altered, while minor earthworks applies to a list of specific activities. All other modifications or excavation of earth materials fall within the meaning of earthworks.	<p>Amend the “earthworks” definition as follows:</p> <p><i>means the alteration or disturbance <u>modification</u> of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes <u>land disturbance, minor earthworks</u>, gardening, cultivation, and disturbance of land for the installation of fence posts.</i></p>
Land disturbance	Support	However, the PDP deliberately manages activities differently depending on whether it is “earthworks”, “land disturbance” or “minor earthworks”. For example:	Retain the “land disturbance” and as notified.
Minor earthworks	Support in part	<ul style="list-style-type: none"> • Within the Earthworks (EW) chapter, policy EW-P1 and rule EW-R1 deals specifically with “minor earthworks”, while all other EW policies and EW rules apply to “earthworks” and by inference excludes minor earthworks. • “Land disturbance” is essentially only relevant in the context of Sites and Areas of Significance to Māori (SASM) chapter. Policy SASM-P8 references both “earthworks” and “land disturbance”; rule SASM-R2 relates only to land disturbance; while the earthworks chapter policy EW-P10 and rule EW-R10 apply specifically to earthworks on Sites and Areas of Significance to Māori. <p>These examples indicate that the 3 terms are intended to be applied differently in the PDP. However, the “earthworks” and “land disturbance” definitions are confusing as they both mean the “<i>the alteration or disturbance of land...</i>” and as a consequence any land</p>	<p>Amend the “minor earthworks” definition as follows:</p> <p><i>means earthworks for the purposes of piling, trenching, geotechnical investigations, <u>contaminated land investigations</u>, interments within existing cemeteries or urupā, soakpits, stormwater detention tanks, rainwater tanks, wastewater mitigation tanks, and the replacement or removal of underground petroleum storage systems <u>and stormwater treatment devices</u>.</i></p>



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		<p>disturbance may also be earthworks. The implication of this is that land disturbance may be permitted under SASM-R2 but the same activity may be restricted discretionary under earthworks rule EW-R10.2 within Sites and Areas of Significance to Māori. The same activities within the same overlay should not be regulated by different rules.</p> <p>These matters can be addressed by amending the “earthworks” definition to clearly differentiate it from the “land disturbance” and “minor earthworks” definitions, including:</p> <ul style="list-style-type: none"> Phrasing the earthworks definition similar to the corresponding definition in the operative District Plan to refer to “any modification of land...” Expressly exclude “land disturbance” and “minor earthworks” from the earthworks definition. <p>The Fuel Companies support the “minor earthworks” definition and particularly its inclusion of the replacement or removal of underground petroleum storage systems, which are regulated under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). However, they consider that it should also apply to contaminated land investigations (also regulated by the NES-CS, which involve soil sampling, similar to geotechnical investigations), the replacement or removal of underground drainage devices, such as the oil-water interceptors necessary for service station / truck stop stormwater management.</p>	
Existing Activities	Oppose	The definition is unnecessary and potential cuts across the interpretation of existing use rights under section 10 RMA. If there are any specific rules that rely on the existence of the activity as of 25 February 2025, the appropriate place to address that would be in the rule itself.	Delete the definition of ‘existing activities’.
Hazardous Substance Risk Management Overlay	Support in part	The Fuel Companies support the intent of this provision and seek that it is retained. However, is it considered that the term “Hazardous Facility Risk Management Overlay” would be more appropriate in the context of the mapped risk contours surrounding the hazardous facilities.	<p>Replace the term “Hazardous Substance Risk Management Overlay” with “Hazardous Facility Risk Management Overlay” as follows: <i>means the area shown in the planning maps as the Hazardous Substances <u>Facility</u> Risk Management Overlay</i></p> <p>Consequential amendment throughout the PDP to replace the term term “Hazardous Substance Risk Management Overlay” with “Hazardous Facility Risk Management Overlay”.</p>
Heavy motor vehicle	Oppose	The term does not appear to be used anywhere in the plan. As such, the definition is unnecessary and should be deleted.	Delete the definition of ‘heavy motor vehicle’.
High trip generating activities	Oppose	The Fuel Companies oppose the specific identification of service stations as a high trip generating activity (HTGA). Clause (c) of the definition sets a threshold above which activities will be considered to be HTGA (TR-Table 8). This is an appropriate effects-based approach. Currently, the definition uses both a threshold approach and specifically identifies two activity types (service stations and drive-through activities) as HTGA. It is inappropriate and unnecessary to mix both approaches in a single definition. Further, it is widely accepted that service stations primarily attract pass-by visits of motorists already travelling on the roading rather than acting as a destination activity that, in itself, draws traffic to a specific location. In this regard, there are many other activities, such as supermarkets, education, sports and entertainment facilities that would, more appropriately be considered HTGAs, but which are not specifically listed in the definition. The effects-based threshold on its own is appropriate to define the meaning of HTGA.	<p>Amend the “high trip generating activities” definition as follows: <i>means:</i></p> <p>a.—a service station, b.—a drive-through activity, or c.—any other activity which exceeds a threshold in TR-Table 8 High trip generating activity thresholds, including when assessed cumulatively with all other activities with which on-site motor vehicle access spaces are shared.</p>
Hydraulic neutrality	Support in part	The Fuel Companies support the definition but seek that the reference to “pre-development” peak stormwater runoff is clarified so that it is consistent with the Three Waters (THW) chapter, being the modelled peak stormwater flows prior to the proposed new lots or development.	<p>Amend the “hydraulic neutrality” definition as follows: <i>means managing stormwater runoff from all new lots or development through either on-site disposal or storage, so that <u>the rate of</u> stormwater is released from the site at a rate that does not exceed the pre-development modelled peak stormwater runoff flows prior to the proposed new lots or development.</i></p>
Minor building/ minor structure	Oppose	The definition of minor building / minor structure refers to meeting the relevant conditions for that rule. That approach is opposed. Definitions should provide clarity, certainty and	Delete the definition of minor building / minor structure on the basis it does not provide the certainty require for a definition:



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		consistency. If a minor building is different depending on the rule that applies to it, that's not a useful definition.	minor building / minor structure means, in a rule referring to a minor building or minor structure, a building or structure meeting the relevant conditions for that rule.
Offensive odour	Oppose	It is unnecessary to define the term 'offensive odour'. The specific definition relies on the discretionary opinion of a HCC enforcement officer, and while that will likely be relevant to any enforcement proceedings, it is inappropriate for a district plan definition to rely on opinion. Definitions should provide clarity, certainty and consistency. That is not achieved by the proposed definition and it should be deleted.	Delete the definition of offensive odour: offensive odour an offensive odour occurs when an odour can be detected and is determined to be offensive by one or more observers, including at least one Hutt City Council enforcement officer.
Quantitative risk assessment	Oppose in part	Numerous methods are available for assessing risk associated with the use and storage of hazardous substances. The Fuel Companies are, therefore, cautious about introducing a specific definition of QRA and the potential for that to unnecessarily constrain the approach to assessing risk in relation to any given Significant Hazardous Facility. This is of particular relevance in the context of the broad range of facilities included in the definition of Significant Hazardous Facility. For example, risks associated with the storage of large volumes of a highly flammable substance, such as petroleum, at a bulk storage terminal are very different to those associated with a wastewater treatment plant or milk treatment plant. Changes to the definition are proposed accordingly. In addition, the Fuel Companies oppose the use of the phrase 'the frequency at which a release of that hazard may be expected to occur'. That suggest a release of the hazard will be a planned event for which a consent is being sought. In the context of the Fuel Companies bulk storage terminals, significant management measures and controls are in place to prevent such an incident occurring, however, the risk of an accidental and unplanned event cannot be ruled out. That is more appropriately described as 'the likelihood' of an event occurring. Changes to the definition are proposed accordingly. Amend the "minor earthworks" definition as follows:	Amend the "Quantitative risk assessment" definition as follows: <i>in relation to risks from hazardous substances, means a risk assessment used to systematically calculate the risks from hazardous events for a significant hazardous facility. Involves predicting the size of consequences associated with a hazard, and the frequency at which a release of the hazard may be expected to occur. <u>The risk assessment should account for both the consequences (effects) and likelihood (probability) of a hazardous event occurring.</u> These aspects are then combined in order to obtain <u>a modelled risk profile for the facility, which can be expressed in terms of risk criteria relevant to the facility and receiving environment, numerical values for risk,</u> such as risk of fatality.</i>
Regionally significant infrastructure	Support in part	The Fuel Companies support that the 'regionally significant infrastructure' (RSI) definition includes petroleum distribution / transmission pipelines and associated fittings, appurtenances, fixtures or equipment. However, they request that the definition includes port related infrastructure for moving cargo and passengers, and specifically bulk fuel supply infrastructure and wharflines. The amended RSI definition under Proposed Change 1 and Variation 1 (Decisions Version) to the Wellington Regional Policy Statement includes port related activities and bulk fuel supply infrastructure and wharf lines.	Amend the "regionally significant infrastructure" definition as follows: <i>means regionally significant infrastructure including:</i> <ul style="list-style-type: none"> a. <i>pipelines for the distribution or transmission of natural or manufactured gas or petroleum, including any associated fittings, appurtenances, fixtures or equipment,</i> b. <i>a network operated for the purposes of telecommunications, as defined in section 5 of the Telecommunications Act 2001,</i> c. <i>a network operated for the purpose of radiocommunications, as defined in section 2(1) of the Radio Communications Act 1989,</i> d. <i>the National Grid,</i> e. <i>facilities for the generation and/or transmission of electricity where it is supplied to the National grid and/or the local distribution network,</i> f. <i>facilities for the electricity distribution network, where it is 11kV and above. This excludes private connections to the local distribution network,</i> g. <i>the local authority water supply network (including intake structures) and water treatments plants,</i> h. <i>the local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities, and</i> i. <i>the Strategic Transport Network as identified in the Wellington Regional Land Transport Plan 2021.</i> j. <i><u>Infrastructure associated with port related activities and adjacent land used in association with the movement of cargo and passengers including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.</u></i>
Relocation	Support in part	There are two issues with the definition:	Amend the "relocation" definition as follows: <i>means, <u>in relation to heritage buildings, heritage structures and contributing buildings in heritage areas,</u> to physically shift the location of a building within a site or to remove it from the site. Relocation may include raising or lowering a building or structure.</i>



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		<ul style="list-style-type: none"> The “relocation” definition under the Definitions chapter only applies to buildings and applies in any context. However, in the Infrastructure chapter, for example INF-S2, “relocation” is also used to apply to structures, lines, pipes, etc. The “relocation” definition if clicked in the Infrastructure and Historic Heritage chapters is different; it only applies in the context of heritage buildings or structures. <p>The Fuel Companies suspect that this may be a drafting error as “relocation” is not referenced in any other chapters and that the intent is for the “relocation” definition to only apply to heritage buildings or structures and in any other context (e.g., infrastructure works) the plain meaning of “relocation” is used. If this is the Council’s intent, the Fuel Companies would support it.</p>	
Residual risk	Support	The Fuel Companies support the intent of this provision but seek a minor amendment to avoid quantifying the ‘level’ of risk. The sought amendments are more consistent with the definition of ‘residual risk’ in the Christchurch District Plan.	Amend the “residual risk” definition as follows: <i>means, in relation to the Hazardous Substances chapter, the level of any remaining risk of an adverse effect after other industry controls, legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998, the Health and Safety at Work (Hazardous Substances) Regulations 2017 and any other subordinate instruments, and regional plans have been complied with.</i>
Reverse sensitivity	Oppose	<p>The definition has significant issues:</p> <ul style="list-style-type: none"> It is very difficult to read due to its structure, length and complexity compared to other planning documents where reverse sensitivity is either undefined, or, are defined by one sentence or a short paragraph. Several clauses are unclear and/or require a high degree of discretion / assessment; this is inappropriate for a definition. The meaning of “predominant activity” is also unclear as it is not explained in the definition or separately defined. Some of the clauses seem to rely on the concept of “reverse sensitivity” itself, making the definition circular. Clause (11) introduces further ambiguity as it enables the consideration of “all other relevant matters” not specified. The final sentence introduces commentary on civil rights which is not relevant to the meaning of reverse sensitivity in the context of district plan provisions. <p>Reverse sensitivity is a widely understood concept and common definitions have been establish through caselaw. The basis for the complex definition in the PDP is not apparent in the s 32 evaluation reports.</p> <p>The Fuel Companies request a simpler and clearer definition that is consistent with the definition in the Wellington Regional Policy Statement .</p>	Delete the proposed definition for “reverse sensitivity” and replace with the following definition: <i><u>Reverse sensitivity means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.</u></i>
Service station	Support in part	The definition is generally appropriate; however, it lacks reference to electric vehicle (EV) charging which is a service that is increasingly being provided as part of service station activities. The Fuel Companies appreciate that an EV charging station in isolation might not be a service station per se, and seeks clarification from the Council that, if an EV facility were proposed at an existing service station site, the facility would fall to be part of the service station activity.	Amend the “service station” definition as follows: <i>means a commercial activity of the refuelling, refilling, cleaning, pressurising of tyres, or fitting of end user-replaceable parts (e.g. wiper blades) to motor vehicles, or the retail sale of fuels and oils (other than in sealed containers) <u>and/or the charging of electric vehicles</u>. An electric vehicle charging station is not, in itself, a service station.</i>
Servicing	Oppose in part	The proposed definition changes the ordinary understanding of ‘servicing’ which is essentially deliveries that are ancillary to the primary operation. In this case, the definition includes <u>any</u> movements of heavy motor vehicles. That would then mean activities such as trucks visiting a truck stop to refuel or the Terminals or distribution centres would be caught by the term ‘servicing’, notwithstanding that the activity relies on heavy vehicle movements.	Amend the “servicing” definition as follows: <i>means deliveries to and collections from a site, including of products, supplies, raw materials, refuse, mail, and packages, and includes any movements of heavy motor vehicles.</i>
Significant hazardous facility	Support in part	The Hazardous Substances chapter provisions apply only to activities that are “significant hazardous facilities” (SHF). However, the SHF definition as notified will capture many service station and truck stop activities and that is opposed.	Amend the “significant hazardous facility” definition as follows: <i>means any facility which involves one or more of the following activities:</i>



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		<p>The definition includes facilities that store / use more than 50,000 L petrol and 100,000 L diesel. The threshold for storage of petrol at service stations is half that currently permitted under the Operative District Plan (Rule 14D 2.1), while the threshold for storage of diesel has doubled. The thresholds used in the Operative District Plan are arbitrary limits based on historical quantities of products stored at petrol stations that were included in the Hazardous Facilities Screening Procedures (HFSP), as an example. In the PDP, the thresholds have been switched. This recognises the comparatively higher risks associated with above-ground storage of petrol as opposed to diesel at sites other service stations and truck stops.</p> <p>However, it will essentially result in almost all service stations being deemed a significant hazardous facility, as petrol (91 and 95 grade) is typically stored in underground tanks with a combined volume of more than 50,000 litres. Compliance the relevant HSNO Codes of Practice is widely recognised as managing risks associated with storage at retail service stations and truck stops to acceptable levels. These facilities do not have risks to justify their classification as an SHF. A reduction in the storage threshold for petrol at service station sites is contrary to the Resource Legislation Amendment Act 2017 (RLAA 2017) and unjustified.</p> <p>The proposed definition is not risk-based and would capture a range of facilities which do not have risks to justify such a classification, for instance underground petrol tanks at a service station. The RLAA 2017 has made it clear that councils should only seek to control hazardous substances where effects are not covered by HSNO or HSWA and therefore it is considered that the Council should be clear that the limits are justified in terms of effects / risk. The thresholds for petrol / diesel are not justified in the section 32 evaluation report and is contrary to the direction established by the RLAA 2017.</p> <p>For the same reasons, the definition should be amended to clarify that it does not apply to the distribution or transmission by pipeline of petroleum products, such as the Fuel Companies wharflines and bunkerlines.</p>	<ol style="list-style-type: none"> 1. <i>Manufacturing of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints),</i> 2. <i>Oil and gas exploration and extraction facilities,</i> 3. <i>The storage/use of more than 50,000 litres of petrol,</i> 4. <i>The storage/use of more than 100,000 litres of diesel,</i> 5. <i>The storage/use of more than 6 tonnes of LPG,</i> 6. <i>Galvanising plants,</i> 7. <i>Electroplating and metal treatment facilities,</i> 8. <i>Tanneries,</i> 9. <i>Timber treatment,</i> 10. <i>Freezing works and rendering plants,</i> 11. <i>Wastewater treatment plants,</i> 12. <i>Metal smelting and refining (including battery refining or recycling),</i> 13. <i>Milk treatment plants,</i> 14. <i>Fibreglass manufacturing,</i> 15. <i>Polymer foam manufacturing, and</i> 16. <i>Asphalt/bitumen manufacture or storage.</i> <p><u><i>This definition does not apply to:</i></u></p> <ol style="list-style-type: none"> 1. <u><i>The underground storage of petrol and diesel at service stations and truck stops that is undertaken in accordance with HSNO COP 44 Below Ground Stationary Container Systems for Petroleum – Design and Installation and HSNO COP 45 Below Ground Stationary Containers Systems for Petroleum – Operation.</i></u> 2. <u><i>The distribution or transmission by pipelines of petroleum products.</i></u>
Transport facilities	Oppose in part	The Fuel Companies consider the list of examples doesn't relate particularly well to the chapeau of the definition, which suggests a 'transport facility' is the point of transition between a site and the road i.e. a vehicle crossing. Therefore, the definition should also refer to the movement of people, goods and refuse within sites.	<p>Amend the "transport facilities" definition as follows:</p> <p><i>means facilities and areas which provide for the movement of people, goods and refuse <u>within sites and</u> between activities on a site and the transport network. It includes:</i></p> <p><i>pedestrian and cycling accesses,</i></p> <p><i>cycling and micromobility device parking and end-of-trip facilities,</i></p> <p><i>driveways, and motor vehicle manoeuvring and parking areas,</i></p> <p><i>vehicle crossings,</i></p> <p><i>on-site loading facilities, and</i></p> <p><i>refuse storage areas.</i></p>
Yard-based retailing	Support in part	The Fuel Companies support the intent of the definition for "yard-based retail". When read in isolation the proposed definition would apply to service stations, but service stations have their own definition and are generally address by a specific activity rule in the zones, distinct from the rules for yard-based retailing.	<p>Amend the "yard-based retailing" definition as follows:</p> <p><i>means any commercial activity which supplies or receives goods or services primarily from an open or semi-covered yard, and where the area of the yard is greater than all indoor gross floor area used for the activity, <u>but excludes service stations.</u></i></p> <p><i>Examples include:</i></p> <ol style="list-style-type: none"> 1. <i>Garden centres</i> 2. <i>Automotive and marine supplies</i> 3. <i>Agricultural supplies</i> 4. <i>Motor vehicle sales</i> <p><i>However, the area of the yard does not include visitor or employee carparking, cycle parking, or micromobility parking, or manoeuvring areas for that parking.</i></p>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
New definition: Marina activity	Neutral	The Fuel Companies seek that a definition of 'marina activity' is inserted into the plan, to accompany the provisions relating to "marina activities" in the Seaview Marina Zone chapter.	Insert a new "marina activity" definition as follows: <u>Means activities associated with:</u> a. <u>the navigation, anchoring, mooring, berthing, manoeuvring, refuelling, storage, servicing, maintenance and repair of vessels;</u> b. <u>embarking and disembarking of passengers;</u> c. <u>loading, unloading and storage of cargo and containers;</u> d. <u>operation, maintenance, repair, cleaning, and refuelling of associated plant and equipment;</u> e. <u>educational activities associated with these activities; and</u> f. <u>the use of buildings and structures associated with these activities, including accessory offices, seafood processing and parking.</u>
New definition: Sensitive environment	Neutral	The Fuel Companies seek that a definition of 'sensitive environment' is inserted into the PDP, to accompany references to 'sensitive environments' in the Hazardous Substances chapter. The matters of restricted discretion in the hazardous substance rules for significant hazardous facilities (HS-R1.1 and HS-R2.1) already deal with matters relating to natural hazard risk, tāngata whenua, and 'activities sensitive to hazardous substance risks' (which is separately defined). Therefore, it is expected that 'sensitive environments' relates to other identified/mapped environments, such as natural character areas, outstanding landscape areas/features, and the coastal environment.	Insert a new "sensitive environments" definition for the hazardous substances chapter as follows: <u>Means, for the purposes of the (HS) Hazardous Substances chapter, any area located in the following overlays:</u> a. <u>Outstanding Natural Feature</u> b. <u>Outstanding Natural Landscape</u> c. <u>Outstanding Coastal Natural Character Area</u> d. <u>High and Very High Coastal Natural Character Area</u> e. <u>Coastal Environment</u>
Part 2: STRATEGIC DIRECTION			
CCSD-O1 Carbon Neutral	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CCSD-O1 as notified.
CCSD-O2 Natural Hazards	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CCSD-O2 as notified.
INFSD-O3 National and Regional Significance	Support	The Fuel Companies support the intent of this provision to ensure that nationally and regionally significant infrastructure is supported and protected.	Retain INFSD-O1 as notified.
TWSD-O3 Wāhi Taonga and Sites and Areas of Significance to Tangata Whenua	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain TWSD-O3 as notified.
UDSD-O1 Well-Functioning Urban Environment	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain UDSD-O1 as notified.
UDSD-O2 Outcomes for Well-Functioning Urban Environments	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain UDSD-O2 as notified.
UDSD-O14 Industrial and Business Activities	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain UDSD-O14 as notified.
Part 2: ENERGY, INFRASTRUCTURE AND TRANSPORT - Infrastructure			
Chapter Introduction	Support	The Fuel Companies support the intent of the introduction and seek that it be retained	Retain the Infrastructure chapter introduction as notified.
INF-O1 Benefits of infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-O1 as notified.
INF-O2 Adverse effects of infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-O2 as notified.
INF-O3 Infrastructure availability and capacity	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-O3 as notified.
INF-P1 Recognise benefits of infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P1 as notified.
INF-P2 Provide for infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P2 as notified.



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)					
INF-P3 Planning and delivery of infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P3 as notified.					
INF-P4 Technological advances	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P4 as notified.					
INF-P5 Adverse effects of infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P5 as notified.					
INF-P6 Consideration of the adverse effects of infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P6 as notified.					
INF-P9 Upgrading and developing infrastructure in natural hazard overlays	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P9 as notified.					
INF-P10 Upgrading and developing infrastructure in coastal margins or riparian margins	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P10 as notified.					
INF-P13 Upgrading and developing infrastructure in sites and areas of significance to Māori, heritage areas and sites containing heritage buildings or heritage structures	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-P13 as notified.					
INF-R2 Operation, maintenance, repair, and decommissioning of infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-R2 as notified.					
INF-R3 Upgrading of infrastructure, excluding transport network infrastructure, and gas and transmission pipelines over 110kV	Support in part	The Fuel Companies support the intent of INF-R3, noting that, as currently drafted, it would apply to the Hutt City Wharfline. However, the reference to ‘gas and transmission pipelines over 110kV’ is unclear and appears to confuse electricity transmission (measured in kV) with gas transmission (measured in kilopascals). This should be corrected. The default from permitted to a non-complying activity status, for infrastructure in the general ‘district-wide’ locations where the applicable standards cannot be met is unduly onerous in the context of upgrading existing infrastructure, and inconsistent with the approach taken in other parts of the chapter. This includes within R3 itself, where infrastructure in the more sensitive coastal environments as well as ONF’s and ONL’s has no more than a discretionary status (in most cases), and with the standards themselves, all of which provide assessment criteria relating to consideration of the specific effects associated with non-compliance with the standard. In many cases, R3 is more restrictive than the rules that would apply to the provision of new infrastructure, including under INF-R25. On that basis, the default for non-compliance with the listed standards for infrastructure in the district-wide areas should be amended to Restricted Discretionary.	Amend INF-R3 as follows: INF-R3 Upgrading of infrastructure, excluding transport network infrastructure, and gas and transmission pipelines <u>and electricity conductors</u> over 110kV					
				District-Wide				
			Compliance with standards	Where no other columns in this table apply	Active Street Frontage Overlay	Heritage area or site containing heritage building or heritage structure	Category 1 SASM	High Natural Hazard Overlay
	NC <u>RDIS</u>	NC <u>RDIS</u>	NC <u>RDIS</u>	NC <u>RDIS</u>	NC <u>RDIS</u>			
INF-R9 New underground pipelines, including electricity and gas distribution and three waters, excluding electricity and gas transmission	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-R9 as notified.					
INF-R10 New underground structures other than pipelines	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-R10 as notified.					
INF-R25 Infrastructure not otherwise provided for or subject to any other rule in chapter	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-R25 as notified.					



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
INF-S2 Upgrading of infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-S2 as notified.
INF-S3 Underground infrastructure	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-S3 as notified.
INF-S8 Location – Support structures	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-S8 as notified.
INF-S16 Earthworks – Slope, height, depth, and location	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-S16 as notified.
INF-S17 Earthworks – Area limit, including trenching	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-S17 as notified.
INF-S18 Earthworks and vegetation removal – Reinstatement	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain INF-S18 as notified.
INF-S19 Earthworks – In relation to Sites and Areas of Significance to Māori	Support	The Fuel Companies support the intent of this provision. However, it is unclear whether the limit of 600mm width would also limit the 'length' of an excavation, such that the maximum dimension would be 600mm by 600mm; or whether it is intended to enable an activity such as trenching to occur, where the maximum width is 600mm, but where the trenching may occur over a longer distance. In the context that to be permitted, the earthworks must also be located directly above existing underground infrastructure, the Fuel Companies anticipate the intent may be to enable trenching of less than 600mm width. Either way, the wording should be amended to provide certainty as to how the standard will apply.	Amend INF-S19 as follows: <i>Earthworks – In relation to Sites and Areas of Significance to Māori</i> <ol style="list-style-type: none"> <i>The earthworks must not exceed 600mm in width, <u>but subject to INF-S17, may be of unlimited length if associated with trenching.</u></i> <i>The earthworks must be located directly above existing underground infrastructure.</i>
Part 2: ENERGY, INFRASTRUCTURE AND TRANSPORT - Protection of Infrastructure			
Chapter Introduction	Support in part	<p>The Fuel Companies support the intent of the introduction, including the intent to protect petroleum infrastructure. However, the Fuel Companies consider that an amendment is necessary to address that the Fuel Companies are seeking that the Hutt City Wharfline is mapped and added to the district plan as the 'Hutt City Fuel Transmission Pipeline Corridor', similar to the approach taken in relation to the Gas Transmission Pipeline Corridor. This approach will ensure that the pipeline, which falls to be regionally significant infrastructure (RSI), is protected from reverse sensitivity effects associated with nearby activities which could constrain its operation and to ensure that potential residual risk effects on surrounding landuse activities are avoided.</p> <p>The bulk fuel storage terminals in Seaview are defined in the RPS and Regional Plan as RSI (noting that changes are sought to the definition of RSI in the PDP accordingly), but do not fall to be 'infrastructure' as defined in Section 2 of the RMA and the PDP. Therefore, it is appropriate to include specific reference to RSI in this chapter and specifically where reference is made to the protection of the regionally significant fuel terminals and pipeline at Seaview. Without that, it is unclear that the provisions of this chapter will extend to protecting all regionally significant infrastructure, as well as other types of infrastructure.</p> <p>Finally, an amendment is sought to reflect that gas infrastructure is not addressed in the Hazardous Substance Chapter, and 'gas and petroleum infrastructure' is not a defined term.</p>	Amend the Protection of Infrastructure chapter as follows: Adverse effects from Land use and development can adversely affect the operation and development of infrastructure <u>and regionally significant infrastructure</u> and can thereby impact the successful functioning of the city. This includes direct adverse effects from buildings and structures which have potential to obstruct access to infrastructure as well as reverse sensitivity effects, where an activity sensitive to the effects of infrastructure are established nearby, leading to constraints and additional costs for the operation or development of the infrastructure. This chapter includes provisions which are intended to protect the Gas Transmission Network and the National Grid from adverse effects arising from land use and development. Other chapters of the District Plan also play a role in managing adverse effects on infrastructure. In particular: <ul style="list-style-type: none"> <i>The Earthworks chapter, which controls earthworks near gas transmission infrastructure and the National Grid,</i> <i>The Hazardous Substances chapter, which includes provisions to protect gas and <u>regionally significant</u> petroleum infrastructure, <u>including the Hutt City fuel transmission pipeline,</u></i> <i>The Noise chapter, which includes provisions to control activities sensitive to noise near state highways and rail corridors, and</i> <i>The Subdivision chapter, which controls subdivision near gas transmission infrastructure and the National Grid.</i>
PINF-O1 Adverse effects on infrastructure	Support in part	The Fuel Companies support the intent of this provision to ensure that subdivision, use and development to not compromise infrastructure operation and development. As noted above, the definition of RSI is distinct to the definition of 'infrastructure' and without specific reference to RSI, there is a risk that RSI won't benefit from the protective provisions of this part of the PDP	Amend PINF-O1 as follows. PINF-O1 Adverse effects on <u>regionally significant infrastructure and other</u> infrastructure <i>The adverse effects of subdivision, use, and development do not compromise the operation and development of infrastructure <u>or regionally significant infrastructure.</u></i>
PINF-P1 Protecting regionally significant infrastructure	Support in part	The Fuel Companies support the intent of this provision to ensure that regionally significant infrastructure (RSI) is protected from incompatible subdivision, use and development. An amendment is sought to address the requirement to avoid sensitive activities within the Hutt	Amend PINF-P1 as follows.



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		City fuel transmission pipeline corridor and Hazardous Substances Risk Management Overlay (addressed in the Hazardous Substances Chapter).	<p>PINF-P1 <i>Protecting regionally significant infrastructure</i> <i>Regionally significant infrastructure is protected from incompatible new subdivision, use and development by:</i></p> <ol style="list-style-type: none"> <i>Avoiding the location of activities sensitive to hazardous substance risk within the <u>Hutt City fuel transmission pipeline corridor and Hazardous Substances Risk Management Overlay</u>, a defined risk management overlay.</i> <i>Avoiding activities sensitive to the National Grid, and controlling buildings, structures and earthworks within a defined National Grid Yard.</i> <i>Controlling subdivision within a defined National Grid Subdivision Corridor.</i> <i>Controlling subdivision, buildings, structures, earthworks and activities sensitive to gas transmission infrastructure within a defined Gas Transmission Pipeline Corridor</i> <p><i>Controlling noise sensitive activities within a defined Highway and Railway Noise Overlay.</i></p>
Rules overview	Support in part	The Fuel Companies support the intent of this section but seek an amendment to ensure that cross references to the Hazardous Substances chapter are accurate (and reflect what the Fuel Companies are seeking in relation to the rules relating to the Hutt City fuel transmission pipeline corridor. The Fuel Companies note, also, that provisions protecting gas infrastructure are located in the 'Protection of Infrastructure' chapter, and not the Hazardous Substances Chapter. Nor does the hazardous substances chapter set any restrictions on sensitive activities within 250m of an existing SHF, other than where there is a mapped Hazardous Substances Risk Management Overlay. These references should be deleted.	<p>Amend the Rules overview as follows:</p> <p>Rules <i>This chapter includes provisions for the protection of infrastructure from the adverse effects of land use and development.</i> <i>The rules of this chapter address:</i></p> <ul style="list-style-type: none"> <i>Buildings, structures and activities located within the Gas Transmission Pipeline Corridor, and</i> <i>Buildings, structures and activities located within the National Grid Yard.</i> <p><i>The chapter does not include the following:</i></p> <ul style="list-style-type: none"> <i>Provisions controlling activities sensitive to noise in the Highway and Railway Noise Overlay (located in the Noise chapter),</i> <i>Provisions controlling subdivision within the Gas Transmission Pipeline Corridor (located in the Subdivision chapter),</i> <i>Provisions controlling subdivision within the National Grid Subdivision Corridor (located in the Subdivision chapter),</i> <i>Provisions controlling activities sensitive to hazardous substance risks within the <u>Hutt City fuel transmission pipeline corridor and Hazardous Substances Risk Management Overlay</u>, risk management overlay or within 250m of an existing significant hazardous facility (located in the Hazardous Substances chapter. The facilities protected by these provisions include gas and which contains provisions protecting existing significant hazardous facilities and associated petroleum infrastructure), or</i> <i>Provisions controlling earthworks within the National Grid Yard, or within the Gas Transmission Pipeline Corridor (located in the Earthworks chapter).</i>
Part 2: ENERGY, INFRASTRUCTURE AND TRANSPORT - Three Waters			
Chapter Introduction	Support	The Fuel Companies support the general intent of the three waters provisions. This includes ensuring hydraulic neutrality with respect to peak stormwater runoff from the site in its current state, and the application water sensitive design to new development. In the case of the latter, applying water sensitive design to existing developments problematic and costly.	Retain the Three Waters chapter introduction as notified.
THW-O2 Hydraulic neutrality and stormwater management	Support	The Fuel Companies support the objective to manage stormwater runoff compared to current stormwater levels	Retain THW-O2 as notified.
THW-P1 THW-P2 THW-P3 THW-P4		The Fuel Companies the Three Waters policies. This includes ensuring hydraulic neutrality with respect to peak stormwater runoff from the site in its current state, and the application water sensitive design to new development in urban area 9except for commercial and mixed use zones.	Retain policies THW-P1, THW-P2 THW-P3 and THW-P4 as notified.



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
THW-R1 New buildings (excluding accessory buildings) and conversions of existing buildings in an Urban Zone – Connections to the Reticulated Network	Support	<p>The Fuel Companies support the intent of R1, including its exclusion to accessory buildings.</p> <p>It is assumed that the reference in clause (1)(a)(iii) to “performance standard” in Chapter 4 of the Wellington Water Regional Standard for Water Services (RSWS) means the performance criteria in the RSWS. This should be added to clause (a)(iii) for clarity, similar to that in clause (a)(i) and (a)(ii) relating to levels of service for wastewater and water supply. This in turn, helps to clarify the matters for which discretion is restricted in clause (2) of the rule.</p>	<p>Amend THW-R1 as follows.</p> <p>1. <i>Activity status: Permitted</i></p> <p>Where:</p> <p>a. <i>Connection to the existing three water infrastructure achieves compliance with:</i></p> <p>i. <i>For wastewater: The level of service in Chapter 5, section 5.2.3 of the Wellington Water Regional Standard for Water Services, December 2021, Version 3.0,</i></p> <p>ii. <i>For water supply: The level of service in Chapter 6, Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services, December 2021, Version 3.0, and</i></p> <p>iii. <i>For stormwater: The performance standard criteria in Chapter 4, <u>section 4.2</u> of the Wellington Water Regional Standard for Water Services, December 2021, Version 3.0.</i></p>
THW-R2 New buildings (excluding accessory buildings) in an Urban Zone - Hydraulic neutrality	Support in part	<p>The Fuel Companies support the intent of R3, including its exclusion to accessory buildings, but raise the following matters, which will assist in the application of the rule:</p> <ul style="list-style-type: none"> In light of the fourth sentence of the Note section under the permitted rule, it is considered that it would be appropriate to allow small-scale non-residential buildings (the Note uses 200m² as a threshold) to be a permitted activity if they do not increase pre-development peak flows / volumes. For example, the construction of a small-scale building on an existing impervious area. The fourth sentence of the Note section reads as a permitted activity condition or exclusion and should be incorporated into the rule itself. 	<p>Amend THW-R2 as follows:</p> <p>1. <i>Activity status: Permitted</i></p> <p>Where:</p> <p>a. <i>For development of no more than three residential units <u>one to three residential units or a non-residential building with a building footprint of less than 200m²:</u></i></p> <p>i. <i>The development incorporates a <u>A Wellington Water Limited approved solution for managing the rate of stormwater runoff is incorporated- or</u></i></p> <p>ii. <i><u>The rate of stormwater released from the site does not exceed the modelled peak flows and volumes prior to the development.</u></i></p> <p>b. <i>For development of four or more residential units, a retirement village, or a non-residential building <u>with a building footprint of more than 200m²:</u></i></p> <p>i. <i>Stormwater management measures are incorporated which achieve post development peak stormwater flows which are the same or less than the modelled peak flows for the site before the commencement of the development.</i> <i><u>Stormwater management measures are incorporated so that the rate of stormwater released from the site does not exceed the modelled peak flows and volumes prior to the development.</u></i></p> <p>Notes:</p> <p><u>1.</u> <i>A <u>Wellington Water Limited</u> approved solution is one which meets the requirements of the Wellington Water Managing Stormwater Runoff – The Use of Approved Solutions for Hydraulic Neutrality, March 2024, Version 5.</i></p> <p><u>2.</u> <i>Guidance for calculating peak stormwater flows to mitigate any increased flood hazard is contained in the Wellington Water Reference Guide for Design Storm Hydrology; Standardised Parameters for Hydrological Modelling, April 2019, Version 7.</i></p> <p><u>3.</u> <i>Guidance on which storm events are to be managed is contained in Chapter 4 of the Wellington Water Regional Standard for Water Services, December 2021, Version 3.0.</i></p> <p><u>4.</u> <i>For residential development of less than 10 residential units which meet the impervious area requirements of the Wellington Water <u>Limited</u> approved solution, or a non-residential building <u>with a building footprint of</u> less than 200m², a Wellington Water Limited approved solution for managing volume and rate of stormwater runoff installed on each unit can be used to achieve compliance with this rule.</i></p>
THW-R3 New buildings (excluding accessory buildings) in an Urban Zone – Water Sensitive Design	Support	The Fuel Companies support the intent of R3, including its exclusion to accessory buildings	Retain THW-R3 as notified.
Part 2: ENERGY, INFRASTRUCTURE AND TRANSPORT - Transport			
Chapter Introduction	Support	The Fuel Companies support the intent of the introduction and seek that it be retained.	Retain the Transport chapter introduction as notified.



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
TR-O1 Purpose	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-O1 as notified.
TR-P1 Required transport facilities	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-P1 as notified.
TR-P2 Enabled transport facilities	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-P2 as notified.
TR-P3 Potentially incompatible activities and transport facilities	Support in part	<p>The Fuel Companies support the general intent of this provision regarding potentially incompatible activities and transport facilities. Transport facilities, as defined, relates to the movement of people, goods and refuse, including the facilities to support the efficient and effective movement of motor vehicles, such as driveways, manoeuvring/parking areas and vehicles crossings. These matters are achieved by compliance with the transports rules and standards. Therefore, clause (2)(d) of the policy relating transport facilities that may be incompatible and “not conducive to reducing reliance on private motor vehicles” is at odds with the definition and the purpose of the chapter for the safe and efficient transport network. That is, a reduced reliance on private motor vehicles is not a compatibility issue for transport facilities, but rather, is more relevant to the provision or design of transport facilities that don’t meet the required standards, such that it would promote a reduced reliance on private motor vehicles.</p> <p>For this reason, the Fuel Companies consider that clause (2)(d) should be deleted and incorporated into clause (1) of the policy.</p>	<p>Amend TR-P3 as follows:</p> <ol style="list-style-type: none"> Only allow activities that do not meet standards for provision or design of transport facilities where: <ol style="list-style-type: none"> They are effective in meeting the transport needs of on-site activities, The safety, efficiency, and multi-modal function of the transport network and the safety of site users is not compromised, For any shortfall in the provision of loading spaces, cycling parking or end-of-trip facilities, the projected demand for the facilities will be lower than that required to be provided in the standards, or can be accommodated by public, shared, or reciprocal arrangements, Safe and effective access for firefighting purposes is available, and They are consistent with the planned outcomes in relation to character and amenity of the zones and precincts in which they are located <u>and</u> <u>It is conducive to reducing reliance on private motor vehicles.</u> Transport facilities may be incompatible if: <ol style="list-style-type: none"> There is a reduction in the safety, quality or connectivity of active transport networks, or The safety and efficiency of road networks are compromised, or There is not sufficient provision of safe access to on-site activities by active transport users, or the provision of transport facilities is not conducive to reducing reliance on private motor vehicles, or They are not consistent with the planned outcomes including in relation to character and amenity of the zones and precincts in which they are located, or New buildings and structures are not accessible by firefighting appliances. <p>[...]</p>
TR-P4 Incompatible transport facilities	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-P4 as notified.
TR-P5 High trip generating activities	Support in part	<p>The Fuel Companies support the general intent of this provision but seek amendments, specifically to qualify the policy of facilitating the uptake of active and public transport modes and reducing reliance on private motor vehicles only “where relevant”.</p> <p>While provision is typically made for safe pedestrian and cyclist access to service stations, accessibility by public transport (and reducing private motor vehicle reliance) is not relevant to the appropriate design and location of service stations. The Fuel Companies anticipate that the relevance of this clause varies across the wide range of high trip generating activities (for example, motor vehicle servicing or warehousing facilities, versus housing intensification in centres or tertiary education facilities).</p>	<p>Amend TR-P5 as follows:</p> <p>Manage the design and location of high trip generating activities <u>to</u>:</p> <ol style="list-style-type: none"> to facilitate <u>Facilitate, where relevant,</u> the uptake of active and public transport modes, <u>and</u> reduce reliance on private motor vehicles, <u>and</u> to minimise <u>Minimise</u> adverse effects on the safety, efficiency, and multi-modal function of the transport network.
TR-P7 Positive effects	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-P7 as notified.
New electric vehicle charging policy	Support	The Fuel Companies request that new provisions are inserted to enable the installation and operation of electric vehicle (EV) charging devices throughout the City, thereby encouraging more sustainable means of transportation and reducing the City’s carbon emissions, as sought by CCSD-O1 and the Transport chapter introduction.	<p>Insert TR-PX as follows:</p> <p><u>TR-PX Electric vehicle charging devices</u></p> <p><u>Encourage existing and new land uses to support an integrated and sustainable transport network by enabling electric vehicle charging devices.</u></p>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		For the Fuel Companies, EV charging devices are a component part of a modern service station, with electricity being the fuel type. The development of nation-wide EV charging networks are a cornerstone of their low carbon future proposals.	
New rule for electric vehicle charging devices	Support	For similar reasons identified in the Fuel Companies' request for a new EV charging device policy so that devices are enabled throughout the City.	<p>Insert TR-RX as follows:</p> <p><u>TR-RX Electric vehicle charging devices</u></p> <p><u>All zones</u></p> <p><u>1. Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>a. The electric vehicle charging device is installed immediately adjacent to an existing, permitted or consented motor vehicle parking space.</u></p> <p><u>Note: The electric vehicle charging device does not have to comply with underlying zone rules and standards.</u></p> <p><u>All zones</u></p> <p><u>2. Activity status: Restricted discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is not achieved with TR-RX.1.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. The potential for adverse effects on the safety and efficiency of land transport infrastructure.</u></p> <p><u>Notification:</u></p> <p><u>Public notification is precluded for applications under this rule.</u></p>
TR-R1 All activities – Transport facilities, excluding vehicle crossings	Support in part	While the Fuel Companies support the intent of a general permitted activity rule, the broad definition of “transport facilities” coupled with the comprehensive list of standards raises ambiguity about the rule’s application. Specifically, it is unclear how altering one aspect of a site’s existing transportation arrangements would trigger compliance with all standards. For example, could the alteration of an existing parking space trigger additional cycling spaces (TR-S2), additional loading spaces (TR-S9), or require changes to circulation / manoeuvring areas not associated with the parking space (TR-S8)? At the minimum, compliance with standard TR-S4 relating to vehicle crossings should be removed from the rule, as R1 excludes vehicle crossings and is address specifically in R2.	<p>Amend TR-R1 as follows:</p> <p><u>All zones</u></p> <p><u>1. Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is achieved with:</u></p> <p><u>i. TR-S1: Pedestrian and cycling access,</u></p> <p><u>ii. TR-S2: Provision of cycle parking and end of trip facilities,</u></p> <p><u>iii. TR-S3: Design requirements for cycle parking,</u></p> <p><u>iv. TR-S4: Classification of vehicle crossings and driveways,</u></p> <p><u>v. TR-S7: Driveways,</u></p> <p><u>vi. TR-S8: Design requirements for motor vehicle parking, circulation and manoeuvring,</u></p> <p><u>vii. TR-S9: Loading and un-loading – Non-residential, and</u></p> <p><u>viii. TR-S10: Loading and un-loading - Residential.</u></p>
TR-R2 New vehicle crossings	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-R2 as notified.
TR-R3 All activities – Trip generation	Support and Oppose in part	<p>The Fuel Companies make the following submission points on R3:</p> <p>Regarding clause (1)(b):</p> <ul style="list-style-type: none"> The relevance of an on-site parking space condition for a HTGA rule is unclear; the focus should be on vehicle movements or the activity-specific thresholds (as reflected in Table 8, none of which relate to parking spaces). This clause should be deleted. <p>Regarding clause (1)(c):</p> <ul style="list-style-type: none"> The Fuel Companies support a permitted activity pathway for the alteration or expansion of existing high trip generating activities if the specified criteria are met. <p>Regarding clause (2)(a):</p> <ul style="list-style-type: none"> The Fuel Companies oppose requiring a consent and an Integrated Transport Assessment for any service station. They consider that this is not an effects-based 	<p>Amend TR-R3 as follows:</p> <p><u>All zones</u></p> <p><u>1. Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>a. New activities do not exceed a motor vehicle trip generation threshold set out in Table 8: High trip generating activity thresholds, including when assessed cumulatively with all other activities which share on-site motor vehicle access, circulation, or parking,</u></p> <p><u>b. Where the activities are located in the City Centre Zone, Metropolitan Centre Zone or the Specified High Trip Generator Exemption Overlay, no more than 10 on-site motor vehicle parking spaces are provided for the activity, and</u></p> <p><u>c. Alteration or expansion of an existing high trip generating activity does not:</u></p> <p><u>i. Increase motor vehicle trip generation by greater than 5%,</u></p>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)																
		<p>approach, and it is inappropriate to single out and treat any instance of a particular activity as an HGTA irrespective of its vehicle movements and traffic effects.</p> <ul style="list-style-type: none"> The Fuel Companies seek that a high trip generation threshold of six refuelling spaces is applied to service stations (refer to submission on Table 8). Refuelling spaces are considered by traffic engineers and NZTA research reports as the most common parameter for predicting service station traffic, and a refuelling space threshold is consistent with several district plans across New Zealand (e.g. the Operative Whangārei District Plan). <p>Regarding matter of discretion (1):</p> <ul style="list-style-type: none"> For similar reasons identified in the submission on TR-P5, assessing the extent of development providing for active and public transport modes should be qualified to only where it is relevant. The need and ability to provide for these modes depends on the nature of the activity (service stations or motor vehicle servicing versus housing or educational facilities). 	<p>ii. Alter, remove, or increase the number of, vehicle crossings which provide access to the activity, and</p> <p>iii. Remove the ability for vehicles to enter and exit the site in a forward direction.</p> <p>All zones</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with TR-R3.1, or</p> <p>b. The activity is a new service station or a new drive-through activity.</p> <p>Matters of discretion are restricted to:</p> <p>1. The extent that the development provides for active and public transport modes <u>where relevant</u>.</p> <p>[...]</p>																
Table 8: High trip generating activity thresholds	Support in part	Refer to the reasons identified in the submission on TR-R3. The number of refuelling spaces is a more appropriate threshold (and easier to apply) for service stations activities.	<p>Amend Table 8 as follows:</p> <p><i>Table 8: High trip generating activity thresholds</i></p> <table> <tr> <th>Activity</th><th colspan="3">Threshold</th></tr> <tr> <td></td><td>City Centre Zone Metropolitan Centre Zone</td><td>All other Zones</td><td>Specific High Trip Generator Exemption Overlay</td></tr> <tr> <td colspan="4">Commercial activities:</td></tr> <tr> <td><u>Service stations</u></td><td><u>6 refuelling spaces</u></td><td><u>6 refuelling spaces</u></td><td><u>6 refuelling spaces</u></td></tr> </table>	Activity	Threshold				City Centre Zone Metropolitan Centre Zone	All other Zones	Specific High Trip Generator Exemption Overlay	Commercial activities:				<u>Service stations</u>	<u>6 refuelling spaces</u>	<u>6 refuelling spaces</u>	<u>6 refuelling spaces</u>
Activity	Threshold																		
	City Centre Zone Metropolitan Centre Zone	All other Zones	Specific High Trip Generator Exemption Overlay																
Commercial activities:																			
<u>Service stations</u>	<u>6 refuelling spaces</u>	<u>6 refuelling spaces</u>	<u>6 refuelling spaces</u>																
TR-S4 Classification of vehicle crossings and driveways	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-S4 as notified.																
TR-S5 Vehicle crossings – Number, location and width	Support in part	Standard TR-S5, clause (1) specifies the permitted number of vehicle crossings per site based on total frontage width. Clause (2) relates to situations where a site has more than one frontage. This clause could be read to mean that only one vehicle crossing is permitted in all situations, regardless of the total frontage width, but this does not appear to be the intent and should be clarified.	<p>Amend TR-S5 as follows:</p> <p>1. The number of vehicle crossings per site must not exceed the following:</p> <p>a. Where the total frontage width does not exceed 50m: One vehicle crossing.</p> <p>b. Where the total frontage width is between 50m and 100m: Two vehicle crossings.</p> <p>c. Where the total frontage width exceeds 100m: Three vehicle crossings.</p> <p>2. Where a site has more than one frontage and <u>in accordance with TR-S5.1</u>, is permitted only one vehicle crossing, the location selection of the vehicle crossing must be in accordance with the following order of precedence:</p> <p>a. Local streets, then</p> <p>b. Urban connectors or Rural roads, then</p> <p>c. Any other road.</p> <p>[...]</p>																
TR-S6 Vehicle crossings – Separation distances and design	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-S7 as notified.																
TR-S7 Driveways	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-S7 as notified.																
TR-S8 Design requirements for motor vehicle parking, circulation, and manoeuvring	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-S8 as notified.																
TR-S9 Loading and unloading - Non-residential	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain TR-S9 as notified.																



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
Table 2: Driveway and vehicle crossing classification	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain Table 2 as notified.
Table 6: Minimum provision of loading spaces for non-residential activity	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain Table 6 as notified.
Part 2: HAZARDS AND RISKS - Contaminated Land			
Chapter Introduction	Support in part	<p>The Fuel Companies support the general intent of the introduction, and the following elements are particularly helpful:</p> <ul style="list-style-type: none"> Explaining the roles of the Ministry for the Environment, Wellington Regional Council and the Council is helpful. Explaining that the chapter provides a policy framework to guide the assessment of NESCS resource consent applications. <p>However, the Fuel Companies identify the following issues / areas of improvement:</p> <ul style="list-style-type: none"> The introduction can be shorter as it is not necessary to define contaminated land and hazardous substances as it is already contained in the Definitions chapter. It is inappropriate to refer to potential impacts on the “natural environment”. The Council’s regulatory function via the NESCS is protecting human health. References to managing effects on the natural environment (e.g., waterbodies, groundwater and ecosystems) is not within scope and would overlap with regional council functions. It is incorrect to say that any activities on land where a HAIL has occurred must comply with the NESCS; the NESCS only regulates the five specified activities on a “piece of land” to which the NESCS applies (removing/replacing a fuel storage system, sampling the soil, disturbing the soil, subdividing, or changing the land use). Other activities can be undertaken on a HAIL site without posing a risk on human health. <p>Based on the above comments, an amended chapter introduction is requested.</p>	<p>Replace the Contaminated Land chapter introduction with the following:</p> <p><u>The purpose of the Contaminated Land chapter is to ensure that contaminated land is identified and managed so that it is safe for human health and its intended use.</u></p> <p><u>Hutt City Council, Wellington Regional Council and the Ministry for the Environment all play a role in managing contaminated land:</u></p> <ul style="list-style-type: none"> <u>The Ministry for the Environment maintains the Hazardous Activities and Industries List (HAIL). This is a list of activities and industries that are likely to contaminate land through the use, storage or disposal of hazardous substances.</u> <u>Wellington Regional Council is responsible for the investigation of land for the purposes of identifying and monitoring contaminated land. As part of this role, Wellington Regional Council administers the Selected Land Use Register (SLUR). This is a regional database of sites that have or may have been used for activities and industries listed in the HAIL. Wellington Regional Council is also responsible for controlling discharges of contaminants into or onto land, air, or water and discharges of water into water.</u> <u>Hutt City Council is responsible for controlling any actual or potential effects of the use, development, or protection of land for the purpose of preventing and mitigating any adverse effects of the development, subdivision or use of contaminated land. In performing this function, Hutt City Council uses the HAIL and SLUR to identify and record information on contaminated land.</u> <p><u>The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) is a framework of rules which regulate the following activities on contaminated or potentially contaminated land:</u></p> <ul style="list-style-type: none"> <u>removing or replacing a fuel storage system;</u> <u>sampling soil;</u> <u>disturbing soil;</u> <u>changing use; and</u> <u>subdividing.</u> <p><u>The NESCS directs the requirement for resource consent or otherwise in relation to these activities. There are no independent or additional contaminated land rules in the District Plan. This chapter provides a policy framework for assessing applications which require resource consent under the NESCS.</u></p>
CL-O1 Safety of contaminated land	Support in part	The Fuel Companies support the general intent of this provision but consider that it should also refer to human health per the NESCS’ intent.	Amend CL-O1 as follows: Contaminated and potentially contaminated land is <u>are</u> safe for <u>human health and its</u> their intended use.
CL-P1 Identification of contaminated and potentially contaminated land	Support in part	The Fuel Companies support the general intent of provision but consider that clause (2) should only require investigations where necessary. This is because investigations prior to activities on contaminated land are not necessary in every instance. For example, a site investigation prior to replacing an underground fuel tank at a service station is not required as it will not be feasible (i.e., drilling through sealed forecourts around underground tanks) nor offer any particular benefit as the nature of potential contaminants (e.g., petroleum hydrocarbons) is known and there are appropriate remediation or management measures to undertake such works.	Amend CL-P2 as follows: Identify contaminated land and potentially contaminated land prior to subdivision, change of use, or development by: <ol style="list-style-type: none"> Working with Wellington Regional Council to maintain the Selected Land Use Register, and Requiring the investigation of contaminant risks, <u>where necessary</u>, for sites with a history of land use or activity that could have resulted in contamination of soil.
CL-P2 Management of contaminated land	Support in part	The Fuel Companies support the general intent of this provision but consider it could be made simpler for plan users.	Amend CL-P2 as follows:



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			<p>Minimise the risk to human health from the subdivision, change of use, removal or replacement of fuel storage systems, or sampling or disturbing soil of contaminated land by:</p> <p>1. Encouraging a best practice approach to site management for sites with elevated contaminant levels, which may include remediation, containment, and/or the disposal of contaminated soil, and</p> <p>2. Ensuring the land is safe for its intended use.</p> <p><u>Ensure that the subdivision, change of use or development of contaminated and potentially contaminated land is managed (such as remediation, pathway controls or receptor controls where necessary) so that it is safe for human health and its intended use.</u></p>
CL-P3 Benefit of remediating contaminated land	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CL-P3 as notified.
Rules section	Support	The Fuel Companies support that there are no contaminated land rules in the PDP and that plan users are referred to the regulations of the NES-CS.	Retain the rules section as notified.
Part 2: HAZARDS AND RISKS - Hazardous Substances			
All of chapter		<p>For context, the Fuel Companies note that the HAZS – Hazardous Substances provisions will apply to the four bulk fuel storage terminals in Seaview, which are classified by WorkSafe as lower tier major hazardous facilities. All of these fuel terminals are located in the Heavy Industrial Zone. Each of these terminals meets the proposed definition of Significant Hazardous Facilities, due to the volume of petrol and/or diesel stored. The terminals are subject to the Significant Hazardous Facility Risk Management Overlay. This Overlay is based on quantitative risk assessment (QRA) work undertaken in relation to the Terminals, which assesses and considers the acceptability of risk posed by the Terminals to surrounding land uses.</p> <p>The Hutt City fuel transmission pipeline is also located in Seaview, proximal to the fuel terminals. The Fuel Companies seek that a Risk Management Overlay is also mapped in relation to the Hutt City fuel transmission pipeline, 40m offset distance either side of the route. Advice from the Sherpa Consulting Risk Management Specialist who prepared the QRAs for some of the Seaview Terminals, is that in this case, using a 40m setback either side of the wharfline is an appropriate representation of the 1×10^{-6} individual fatality risk contour for a pumped flammable liquid line.</p> <p>Truck stops and service stations, including those storing more than 50,000 litres of diesel or 100,000 litres of petrol are currently captured by the definition of Significant Hazardous Facilities in the Proposed Plan. It is widely recognised, including by the Ministry for the Environment, that risk associated with these types of facilities is adequately managed by compliance with HSNO and WorkSafe standards together with relevant codes of practice and industry best practice approaches. As identified above, the Fuel Companies seek amendments to the definition of ‘significant hazardous facilities’ to clearly exclude these activities, including for those exceeding the fuel volume thresholds where storage occurs underground and in accordance with relevant HSNO codes of practice.</p>	Refer to specific submission relief relating hazardous substances.
All of chapter – “sensitive environments”	Support in part	Several provisions in the Hazardous Substance chapter refer to “sensitive environments” but these environments are not defined in the PDP. Rather to create a new definition, it is suggested that the reference to “sensitive environments” is replaced with the defined term for “specified overlay”, which includes Heritage Ares, Sites and areas of significance to Māori (Category 1), Natural Character Areas, and Outstanding Natural Features or Landscapes. The term “specified overlay” is currently used in the infrastructure and renewable electricity generation chapters.	Replace references to “sensitive environments” in the Hazardous substance chapter with the defined term “specified overlay”, as noted in the relief sought for other submission points on the HS chapter.
Chapter Introduction	Support in part	The Fuel Companies support the recognition of the Hazardous Substances and New Organisms Act 1996 (HSNO) and Health and Safety at Work legislation as being the primary mechanism for controlling and managing the use and storage of hazardous substances.	<p>Amend the Hazardous Substances chapter introduction as follows:</p> <p><i>The purpose of the Hazardous Substances chapter is to protect people, communities and the environment from the residual risk of facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances, including significant hazardous facilities. This chapter seeks to manage:</i></p>



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		<p>The Fuel Companies also agree with the limitations to the control and management of hazardous substances under the RMA as set out in the introduction to this chapter.</p> <p>An amendment is sought to clarify that there is a need to manage reverse sensitivity issues experienced in relation to the intensification of existing sensitive activities, as well as new sensitive activities.</p> <p>The Fuel Companies also note that there is no explanation anywhere in the plan regarding the 'Hazardous Substances Risk Management Overlay'. An explanation regarding this overlay would help plan users understand its context and importance.</p> <p>In the context of the Fuel Companies submission to include similar protection to the Hutt City fuel transmission pipeline by way of a pipeline corridor in which sensitive activities and temporary activities are managed, additional wording is proposed for the introduction to address both the Hazardous Substances Risk Management Overlay and the proposed pipeline corridor.</p>	<ol style="list-style-type: none"> 1. Reverse sensitivity effects between existing lawfully established significant hazardous facilities and new <u>or intensified</u> activities sensitive to hazardous substance risks, 2. The residual risk <u>from significant hazardous facilities</u> to public safety, for example, risks to the public beyond the site boundary, and 3. Management of cumulative effects of multiple significant hazardous facilities near each other. <p>Hazardous substances are controlled by a wide range of legislation and subordinate instruments, the primary piece of legislation being the Hazardous Substances and New Organisms Act 1996. Additional controls are included in the Land Transport Act 1998, Building Act 2004, and Health and Safety at Work (Hazardous Substances) Regulations 2017. In addition, there are also industry standards that provide guidelines to industry participants.</p> <p>The District Plan manages only the residual risk and cumulative risk to the health and wellbeing of people and communities, and adverse effects on sensitive environments <u>a specified overlay</u> after non-District Plan statutory rules and controls, including any subordinate instruments, in place with respect to hazardous substances have been complied with.</p> <p>For some significant hazardous facilities, as well as for the Hutt City fuel transmission pipeline, where risks have been quantified through quantitative risk assessment (QRA) work, residual risk is mapped in the District Plan as a Hazardous Substances Risk Management Overlay and the Hutt City fuel transmission pipeline corridor. In these locations, activities sensitive to hazardous substances and temporary activities are managed to avoid unacceptable risk.</p> <p>While this chapter includes the objectives, policies, and rules that are specific to hazardous substances, the zone chapters and other district-wide chapters of the District Plan, including those that apply overlays across specified areas, set additional objectives, policies and rules that may apply for all or part of the zone. As such, this chapter should be read alongside the zone chapters and other district-wide chapters of the District Plan.</p>
HS-O1 Protection from residual risk	Support	The Fuel Companies support the intent of this issue.	Retain HS-O1 as notified.
HS-O2 Protection of existing significant hazardous facilities	Support	The Fuel Companies support the intent of this objective but seek that it be amended to include recognition of the need to avoid sensitive activities from locating in close proximity to the Hutt City fuel transmission pipeline, which does not meet the definition of a 'significant hazardous facility' but which QRA work has demonstrated generates residual and a need to manage risk and reverse sensitivity issues associated with risk sensitive activities locating in close proximity to the pipeline.	<p>Retain HS-O2 as notified.</p> <p>Activities sensitive to hazardous substance risks are located where they:</p> <ol style="list-style-type: none"> 1. Avoid areas exposed to unacceptable residual risk from existing significant hazardous facilities or the Hutt City fuel transmission pipeline, and 2. Do not compromise the operation of existing significant hazardous facilities or the Hutt City fuel transmission pipeline due to reverse sensitivity effects.
HS-P1 Location of hazardous facilities	Oppose	<p>The Fuel Companies are opposed to the current drafting of Policy HS-P1 to the extent that it applies to all facilities using or storing hazardous substances and is not limited just to SHF's. That is contrary to the recognition provided in the introduction to the chapter that the HSNO and WorkSafe legislation represent the primary mechanism for the management of hazardous substances, and the role of district plans is limited. It is also contrary to the approach taken in the rules, which apply only to SHF's and not other types of hazardous facilities using or storing hazardous substances in lesser quantities.</p> <p>With regard to HS-P1(1), the Fuel Companies consider a broader approach to risk assessment is appropriate. Specifically, that the clause should be amended to recognise that for some SHFs, alternative types of risk assessment, such as qualitative risk assessment, including the Bow Tie approach, may be sufficient to understand the acceptability of residual risk in the context of the specific site, activity and surrounding environment. This is particularly the case given the broad range of activities currently included in the definition of SHF and that quantitative risk assessment is not necessarily the</p>	<p>(1) Amend Policy HS-P1 as follows:</p> <p>Ensure <u>significant hazardous</u> facilities and activities involving the manufacture, use, storage, transportation, or disposal of hazardous substances, including significant hazardous facilities, are appropriately located and managed by:</p> <ol style="list-style-type: none"> 1. Avoiding unacceptable residual risk to human health, people, and communities <u>as determined</u> through the use of a Quantitative Risk Assessment <u>or other acceptable risk assessment process for the proposed activity, having regard to including its site characteristics and any cumulative risk from other nearby hazardous facilities.</u> 2. Recognising the purpose of the zone in which the proposed activity is located, and the sensitivity of the activities that are enabled in that zone, 3. Locating <u>new</u> significant hazardous facilities outside of sensitive environments <u>a specified overlay</u>, and 4. Locating significant hazardous facilities outside of High Natural Hazard Overlays unless there is an operational need or functional need for the significant hazardous facility to be



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		<p>usual approach to risk assessment for all those activity types, for example, wastewater and milk treatment plants. The policy should not be limited to 'Quantitative Risk Assessment'.</p> <p>The Fuel Companies are concerned that Policy HS-P1(2) appears to conflate the role of the underlying zone provisions. Resource consent applications would already need to assess the activity against the underlying zone provisions and the receiving environment, which would address the 'purpose of the zone' and the 'sensitivity' of activities in the zone. It is also unclear what the term 'sensitivity' is supposed to mean in the context of this particular policy, noting that it is not a defined term in the PDP. Given the conflation and ambiguity associated with this provision, the Fuel Companies seek its deletion.</p> <p>As previously noted, the reference to 'sensitive environments' in HS-P1(3) should be substituted with the defined term for 'specified overlay'. There may be some SHFs that are already located in or near the specified overlays it would not be appropriate or efficient to expect the existing SHF to be located outside of the specified overlay. Therefore, the Fuel Companies seek that Policy HS-P1(3) only applies to new SHFs.</p> <p>Given the above changes, it is considered that it is appropriate for the overall policy to apply to SHFs rather than wider activities involving hazardous substances.</p>	<p><i>located in the area and the significant hazardous facility mitigates the risk from natural hazards to people, buildings and infrastructure.</i></p>
HS-P2 Identify areas of unacceptable residual risk	Support in part	The intent of HAZS-P2 is supported. However, as highlighted above in relation to Policy HS-P1, risk associated with a SHF may not necessarily be measured in terms of individual fatality risk (e.g. a milk treatment or wastewater treatment plant) and/or quantitative risk assessment may not necessarily be warranted for all SHFs. There are other methods of risk assessment that may be more appropriate to a specific SHF, such as qualitative assessment, societal risk assessment or the BowTie approach. The policy should not be limited to the 1 in one million individual fatality risk contour. Reference to the proposed Hutt City fuel transmission pipeline corridor should also be included.	<p>Amend Policy HS-P2 to clarify the type of activities that are considered to be subject to an unacceptable level of risk within the 1 x 10⁻⁶ contour around a SHF. This could be achieved by making changes along the following lines:</p> <p><i>Identify areas <u>where activities are</u> exposed to <u>an unacceptable level of residual risk</u> from existing significant hazardous facilities based on a risk threshold of 1 x 10⁻⁶, and map these areas using the <u>Hazardous Substances Risk Management Overlay or a pipeline corridor overlay</u>.</i></p>
HS-P3 Location of activities sensitive to hazardous substance risks	Support in part	The Fuel Companies support the intent of this policy but seek that the policy also applies to the intensification of existing sensitive activities. For example, additional residential units on existing properties within the Significant Hazardous Facility Risk Management Overlay should be avoided. That is consistent with qualitative risk management principles of avoiding all avoidable risk.	<p>Amend HS-P3 as follows:</p> <p><i>Require activities sensitive to hazardous substance risks to be adequately separated from significant hazardous facilities to <u>by</u>:</i></p> <ol style="list-style-type: none"> <i>1. <u>Avoiding</u> new activities sensitive to hazardous substance risks, <u>and the intensification or expansion of existing activities sensitive to hazardous substance risks</u>, locating in areas exposed to unacceptable residual risks from existing significant hazardous facilities, and</i> <i>2. <u>Avoiding-Minimise</u> reverse sensitivity effects on existing significant hazardous facilities.</i>
HS-R1 Additions or alterations to existing significant hazardous facilities	Support in part	<p>The Fuel Companies support the intent of Rule HS-R1. It is an effects-based rule which is enabling of site changes, provided that they do not change the residual risk profile of the site. In the case of the bulk fuel storage terminals, the risk envelope is that addressed and established by the QRAs for each terminal which have been provided to Council and are an effective baseline risk profile.</p> <p>However, the terms 'additions' and 'alterations' are both defined in the PDP as applying to changes to existing <u>buildings or structures</u> only. As currently drafted, the rule would not, therefore, enable changes to the facility as a whole, that involve new buildings or structures, but which have no bearing on the risk profile of the facility. For example, at a bulk storage terminal the addition of a new office building or new fire water tanks and equipment would have no bearing on the risk profile of the facility, but are otherwise an integral part of the SHF operation. In the context that the intent of HS-R1 is to enable changes to existing SHFs that do not increase the risk profile, the Fuel Companies seek to amend the rule to also enable new buildings and structures not affecting risk. Such new buildings and structures may be subject to controls in other parts of the PDP (such as zone controls or natural hazard controls), but those are distinct matters that would not be affected by enabling a permitted pathway in relation to hazardous substances risk.</p> <p>In addition, the Fuel Companies consider the rule should more appropriately focus on controlling any increase in the risk profile of the SHF. The rule currently uses the word 'change' rather than 'increase', which may also include a decrease in risk.</p>	<p>(1) Amend HS-R1 as follows:</p> <p><i>HS-R1</i></p> <p><i>Additions, or alterations <u>or new buildings or structures at</u> to existing significant hazardous facilities</i></p> <p><i>All Zones</i></p> <p><i>1. Activity status: Permitted</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>a. The activity does not <u>increase change</u> the risk profile of the significant hazardous facility, as measured from 6 February 2025, and</i> <i>b. There is no more than a 10% increase in the volume of hazardous substances manufactured, used, stored, transported, or disposed of, as measured from 6 February 2025.</i> <p><i>All zones</i></p> <p><i>1. Activity status: Restricted discretionary</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>a. Compliance is not achieved with HS-R1.1</i> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <i>1. The matters in HS-P1: Location of hazardous facilities.</i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		As previously noted, the reference to 'sensitive environments' in the matters of restricted discretion should be substituted with the defined term for 'specified overlay'. There may be some existing SHFs that are already located in or near the specified overlays, so achieving a 'separation distance' from these overlays would not be appropriate or efficient. Therefore, the matter of restricted discretion should refer to its proximity.	<ol style="list-style-type: none"> 2. <i>The likelihood and consequences of an accident leading to the release or loss of control of hazardous substances, including the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g. storm water drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances.</i> 3. <i>Changes to operations and site layout arising from the proposed expansion or upgrading to the facility, including any new or increase in residual risk and/or cumulative risk.</i> 4. <u>Proximity to Separation distances between</u> activities sensitive to hazardous substance risks, sensitive environments <u>a specified overlay</u>, and adjacent hazardous facilities and/or activities, including the number of people potentially at risk from the proposed expansion or upgrading to the facility. 5. <i>The extent to which adverse effects can be avoided, or where avoidance is not possible, remedied or mitigated.</i>
HS-R2 New significant hazardous facilities	Support in part	As previously noted, the reference to 'sensitive environments' in the matters of restricted discretion should be substituted with the defined term for 'specified overlay'. There may be some existing SHFs that are already located in or near the specified overlays, so achieving a 'separation distance' from these overlays would not be appropriate or efficient. Therefore, the matter of restricted discretion should refer to its proximity.	<p>Amend HS-R2 as follows:</p> <p><i>HS-R2</i> <i>New significant hazardous facilities</i> <i>Heavy Industrial Zone</i> 1. Activity status: Restricted discretionary Where: a. Compliance is not achieved with HS-R1.1 Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <i>The matters in HS-P1: Location of hazardous facilities.</i> 2. <i>The likelihood and consequences of an accident leading to the release or loss of control of hazardous substances, including the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g. storm water drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances.</i> 3. <u>Proximity to Adequate separation distances between</u> activities sensitive to hazardous substance risks, sensitive environments <u>a specified overlay</u>, and adjacent hazardous facilities and/or activities. 4. <i>The design and site layout of the activity and its ability to internalise effects within the activity's site.</i> 5. <i>Whether the activity has the potential to compromise the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu, and other taonga and if so, the outcomes of any consultation with Mana Whenua.</i> 6. <i>Measures to avoid or manage risks associated with natural hazards, including the potential for sea level rise to impact on the operation of the activity.</i> 7. <i>The extent to which adverse effects can be avoided, or where avoidance is not possible, remedied or mitigated.</i>
HS-R2 New significant hazardous facilities	Oppose in part	<p>As previously noted, the current definition of 'significant hazardous facilities' is likely to capture many service stations and truck stops. In the event the Fuel Companies' submission on the definition of 'significant hazardous facilities' is not amended to exclude service stations and truck stops, the Fuel Companies are opposed to a non-complying activity status for these activities in the Light Industrial Zone, Residential Zones, Rural Zones, Commercial and Mixed Use Zones, Open Space and Recreation Zones, & Special Purpose Zones.</p> <p>Compliance the relevant HSNO Codes of Practice are widely recognised as managing risks associated with storage at retail service stations and truck stops to acceptable levels. In this context, it is inappropriate to apply a non-complying activity status to service stations and truck stops in the Light Industrial Zone, Residential Zones, Rural Zones, Commercial and Mixed Use Zones, Open Space and Recreation Zones, & Special Purpose Zones.</p>	<p>Amend HS-R2 as follows:</p> <p><i>HS-R2</i> <i>New significant hazardous facilities</i></p> <p>Light Industrial Zone Residential Zones Rural Zones Commercial and Mixed Use Zones Open Space and Recreation Zones</p>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		On that basis, the Fuel Companies seek to ensure no more than a discretionary activity status is applied to significant hazardous facilities in these zones, in the event the definition of SHF continues to apply to storage of hazardous substances at service stations and truck stops.	Special Purpose Zones Activity status: Non-complying <u>Discretionary</u>
HS-R3 New activities sensitive to hazardous substance risks within the Hazardous Substances Risk Management Overlay	Support	The Fuel Companies support the intent of this rule, however, consider that the intensification of existing sensitive activities within proximity to major hazard facilities should also be covered. In addition, the Fuel Companies seek to apply the same approach to management of risk within the modelled sensitive activity setback distance, of 40 metres, from the Hutt City fuel transmission pipeline	Amend HS-R3 as follows: <i>HS-R3 New activities sensitive to hazardous substance risks <u>or their expansion or intensification,</u> within the Hazardous Substances Risk Management Overlay <u>and the Hutt City fuel transmission pipeline corridor</u></i> <i>All zones</i> <i>1. Activity status: Non-complying</i>
Part 2: HAZARDS AND RISKS - Natural Hazards			
Chapter Introduction	Support	The Fuel Companies support the intent of the introduction and its risk-based approach, and seek that it be retained.	Retain the Natural Hazards chapter introduction as notified.
NH-O1 Risk from Natural Hazards in High Natural Hazard Overlays	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain NH-O1 as notified.
NH-O2 Risk from natural hazards in Low Natural Hazard Overlays and Medium Natural Hazard Overlays	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain NH-O2 as notified.
NH-O3 Subdivision, Use and Development in the General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone and within the Medium Flood Hazard Overlay or High Flood Hazard Overlay	Support	The Fuel Companies support the intent of this provision and the specific provision for use and development in the flood hazard overlays in Seaview. They seek that it be retained.	Retain NH-O3 as notified.
NH-P1 Risk-Based Approach	Support	The Fuel Companies support the intent of this provision for a risk-based approach and seek that it be retained.	Retain NH-P1 as notified.
-NH-P2 Levels of Risk	Support in part	<p>The Fuel Companies support the intent of this provision and particularly:</p> <ul style="list-style-type: none"> The specific provision for use and development in the flood hazard overlays in Seaview. Seeking to enable use or development in natural hazard overlays that have either "low occupancy or low replacement value". <p>However, under clause (4) to enable certain uses and development, one of the considerations should be the resilience of the use or development to the impacts of the natural hazard, such as a forecourt canopy that is not enclosed and does not have a constructed floor, or where buildings are of a very limited size.</p>	<p>Amend NH-P2 as follows: <i>Subdivision, use and development manages the natural hazard risk to people, buildings and infrastructure by:</i></p> <ol style="list-style-type: none"> <i>Avoiding buildings and activities in the High Natural Hazard Overlays (with the exception of the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Pito One and Seaview Marina Zone) unless there is an operational need or functional need for the subdivision, use, or development to be located in this area and the subdivision, use, or development maintains or reduces the existing risk from the natural hazard to people, buildings and infrastructure.</i> <i>Within the General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone, recognise the regional importance of these areas, while ensuring that subdivision, use, or development located in these areas minimises the risk from flood hazards in the High Flood Hazard Overlay to people, buildings, and infrastructure.</i> <i>Requiring subdivision, use, or development to minimise the risk to development from natural hazards to people, buildings and infrastructure in the Low Hazard Overlays and Medium Hazard Overlays, and</i> <i>Enabling use, or development <u>within the Natural Hazard Overlays</u> that have either:</i> <ol style="list-style-type: none"> <i><u>Have a</u> low occupancy.</i>



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			<ul style="list-style-type: none"> b. of a low replacement value. c. <u>Are of a limited size, or</u> d. <u>Are resilient to the impacts of natural hazards within the Natural Hazard Overlays.</u>
NH-P8 Additions to existing buildings and structures in the Flood Hazard Overlays	Support in part	The Fuel Companies support the general intent of this provision but request that clause (2)(a)'s mitigation measures requirement be qualified to when they are necessary. Such measures may not be required in every case as it depends on the use, location, size and design of the existing "building" (which is broadly defined by the PDP) and the hazard risk of each site.	<p>Amend NH-P8 as follows:</p> <p>[...]</p> <ul style="list-style-type: none"> 2. Allow for additions to existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Flood Hazard Overlay, where: <ul style="list-style-type: none"> a. The risk to people, and buildings on site from the 1% Annual Exceedance Probability Flood is minimised due to the incorporation of mitigation measures <u>where necessary</u>. <p>[...]</p>
NH-P9 Subdivision, use and development in the Flood Hazard Overlays	Support in part	The Fuel Companies support the general intent of this provision but request that mitigation measure requirements be qualified to when they are necessary. Such measures, as well as minimum finished floor levels, may not be required in every case as it depends on the use, location, size and design of the existing "building" (which is broadly defined by the PDP) and the hazard risk of each site. Regarding clause (4)(c), not all buildings associated with an SHF contain hazardous substances.	<p>Amend NH-P9 as follows:</p> <p><i>Subdivision, use and development in the Flood Hazard Overlays are managed as follows:</i></p> <ul style="list-style-type: none"> 1. Allow for new buildings, structures, building platforms, and the conversion of existing building that will contain activities least sensitive to natural hazards in the Low Flood Hazard Overlay, 2. Provide for new buildings and structures, building platforms and the conversion of existing buildings that will contain activities least sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay where: <ul style="list-style-type: none"> a. The existing risk to people and buildings on site from the 1% Annual Exceedance Probability Flood is reduced or avoided due to the incorporation of mitigation measures <u>where necessary</u>; b. The risk to people and buildings on adjacent properties is reduced or avoided from the 1% Annual Exceedance Probability Flood; and c. The Medium Flood Hazard Overlay or High Flood Hazard Overlay is unimpeded and unobstructed to allow for the conveyancing of flood waters and flood water is not diverted onto adjacent properties or blocked. 3. Allow for new buildings and structures, building platforms and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Flood Hazard Overlay, where: <ul style="list-style-type: none"> a. The subdivision, development and use incorporates mitigation measures <u>where necessary</u> to ensure the risk to people and buildings from the 1% Annual Exceedance Probability flood event is minimised, and b. The finished floor level of any new building or conversion of an existing building for activities most sensitive to natural hazards within identified inundation areas of the Flood Hazard Overlays is above the 1% Annual Exceedance Probability flood levels <u>where necessary</u>. 4. Provide for new buildings and structures, building platforms and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay but also in the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone, or the Seaview Marina Zone where: <ul style="list-style-type: none"> a. The building incorporates measures that minimise the risk to people and buildings from flood hazards <u>where necessary</u>, b. There are no residential activities provided on the ground floor of the building, and c. If the building is a Major Significant Hazardous Facility, measures that minimise the risk from the release of hazardous goods from flooding are incorporated into the design of the building <u>where necessary</u>. 5. Only allow for new buildings and structures, building platforms and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the Medium Flood Hazard Overlay in all zones (with the



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			<p>exception of General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone) where:</p> <ol style="list-style-type: none"> The risk to people and buildings on site from the 1% Annual Exceedance Probability Flood is minimised due to the incorporation of mitigation measures <u>where necessary</u>; The risk to people and buildings on adjacent properties is reduced or not increased from the 1% Annual Exceedance Probability Flood; and The flow of floodwaters is unimpeded and unobstructed to allow for the conveyancing of flood waters, and flood water is not diverted onto adjacent properties or blocked. <p>[...]</p>
NH-R7 Additions to existing buildings and structures for activities least sensitive to natural hazards in the Flood Hazard Overlays	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain NH-R7 as notified.
NH-R8 Additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Flood Hazard Overlay	Oppose in part	While the Fuel Companies support the intent of this provision, the appropriateness of the FFL requirement under clause (1)(a) is questioned given the broad definition of “buildings” would include existing non-habitable buildings or structures that would not (nor would they need to) be designed to meet a minimum FFL. The Fuel Companies request that the rule is limited to buildings containing habitable rooms. It also need to be made clear how the rule applies to structures as clause (1)(a) applies only to buildings, a subset of structures.	<p>Amend NH-R8 as follows:</p> <p><i>All zones</i></p> <p><i>1. Activity status: Permitted</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> When <u>located within a Low Flood Hazard Overlay, the finished floor levels of the building are located above the 1% Flood Annual Exceedance Probability level, plus the height of the floor joists or the base of the concrete floor slab and an allowance for freeboard</u> or <u>or</u> <u>The building or structure does not contain a habitable room.</u>
NH-R9 Additions to existing buildings that contain activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Medium Flood Hazard Overlay and High Flood Hazard Overlay	Support	The Fuel Companies support a permitted activity pathway in Seaview’s General Industrial and Heavy Industrial Zones.	Retain NH-R9 as notified.
NH-R10 New buildings and structures and the Conversion of Existing Buildings for activities least sensitive to natural hazards within the Low Flood Hazard Overlay	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain NH-R10 as notified.
NH-R11 New buildings and structures and the conversion of existing buildings for activities least sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay	Oppose in part	The Fuel Companies oppose a blanket resource consent requirement for any new building or structure. For example, it would be unnecessary, with respect to its effects on flood hazard risks, to require a resource consent, for buildings of a very limited size, or where buildings are resilient to the flood hazard risks, such as where it is not fully enclosed and does not have a constructed floor where it will have immaterial effects on flood risks.	<p>Amend NH-R11 as follows:</p> <p>All Zones</p> <p>1. Activity status: Restricted-discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The relevant matters in NH-P9: Subdivision, Use and Development in the Flood Hazard Overlays. <p><u>All zones</u></p> <p><u>1. Activity status: Permitted</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>The gross floor area of the new building, structure or conversion is no more than 10m², or</u> <u>The building or structure is not fully enclosed by walls and does not have a constructed floor.</u>



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			<u>All zones</u> <u>2. Activity status: Restricted discretionary</u> <u>Where:</u> <u>a. Compliance is not achieved with NH-R11.1.</u> <u>Matters of discretion are restricted to:</u> <u>1. The relevant matters in NH-P9: Subdivision, Use and Development in the Flood Hazard Overlays.</u>
NH-R12 New buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Low Flood Hazard Overlay	Support	The Fuel Companies support the intent of this submission; however, it is unclear how the rule applies to structures in this hazard as the rule's clause (1)(a) only references buildings and this activity does not appear to be covered by another rule. If the intent is to permit any new structure, the Fuel Companies support this.	Retain NH-R12 as notified.
NH-R13 New buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay	Support	The Fuel Companies support a permitted activity pathway in Seaview's General Industrial and Heavy Industrial Zones.	Retain NH-R13 as notified.
NH-R15 Additions to existing buildings and structures for activities least sensitive to natural hazards, activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Liquefaction Hazard Overlay	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain NH-R15 as notified.
NH-R16 New buildings and structures and the conversion of existing buildings for activities least sensitive to natural hazards and activities potentially sensitive to natural hazards in the Liquefaction Hazard Overlay	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain NH-R16 as notified.
NH-R17 New buildings and structures and the conversion of existing buildings for activities most sensitive to natural hazards in the Liquefaction Hazard Overlay	Support	The Fuel Companies support the intent of this provision provided that their bulk fuel storage terminals / associated infrastructure, service stations and truck stops are not captured by this rule (refer to the Fuel Companies' requested amendments to the "activities most sensitive to natural hazards", "activities potentially sensitive to natural hazards" and "significant hazardous facilities" definitions).	Retain NH-R17 as notified.
Part 2: GENERAL DISTRICT-WIDE MATTERS - Coastal Environment			
Chapter Introduction	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain the Coastal Environment chapter introduction as notified.
CE-O3 Risk from Coastal Hazards in the High Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlay	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-O3 as notified.



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CE-O4 Risk from Coastal Hazards in the Low Tsunami Hazard Overlay, Medium Tsunami Hazard Overlay, and Medium Coastal Inundation Hazard Overlay	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-O4 as notified.
CE-O5 Subdivision, use and development in the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone and within Medium and High Hazard Areas of the Coastal Hazard Area	Support	The Fuel Companies support the intent of this provision. However, the policy title refers to medium and high hazard areas of the “Coastal Hazard Area”. It is assumed that this is a reference to the defined and mapped “Coastal Hazard Overlays” and should be clarified accordingly, which includes the overlays for Tsunami Hazards and Coastal Inundation Hazards.	Amend CE-O5 as follows: <i>Subdivision, use and development in the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone and within Medium and High Hazard Areas of the Coastal Hazard Area <u>Overlays</u></i> <i>Provide for subdivision, use and development in the General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone while also ensuring development and use in this area minimises the risk from coastal hazards to people, buildings and infrastructure.</i>
CE-P6 Use and Development in the Coastal Environment	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-P6 as notified.
CE-P8 Risk-Based Approach	Support	The Fuel Companies support the intent of this provision, including adopting a risk-based approach when managing activities in hazard areas and the operational and function needs for some activities.	Retain CE-P8 as notified.
CE-P9 Levels of Risk	Support in part	The Fuel Companies support the intent of this provision and particularly: <ul style="list-style-type: none"> The specific provision for use and development in the coastal hazard overlays in Seaview. Seeking to enable use or development in coastal hazard overlays that have either “low occupancy or low replacement value”. <p>However, under clause (4) to enable certain uses and development, one of the considerations should be the resilience of the use or development to the impacts of the coastal hazard, such as a forecourt canopy that is not enclosed and does not have a constructed floor, or where buildings are of a very limited size.</p>	Amend CE-P9 as follows: <i>Ensure, subdivision, use and development manages the coastal hazard risk to people, buildings and infrastructure by:</i> <ol style="list-style-type: none"> <i>Avoiding buildings and activities in the High Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlay (with the exception of <u>buildings or structures of limited size or in the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone</u>) unless there is an operational need or functional need for the subdivision, use, or development to be located in this area and the subdivision, use, or development minimises the existing risk from coastal hazards to people, buildings and infrastructure.</i> <i>Within the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone, recognise the regional importance of these areas, while ensuring that subdivision, use, or development located in these area minimises the risk from coastal hazards in the Medium and High Coastal Hazard Overlays to people, buildings, and infrastructure.</i> <i>Requiring subdivision, use, or development to minimise the risk to development from coastal hazards to people, buildings and infrastructure in the Low and Medium Coastal Hazard Overlays; and</i> <i>Enabling use, or development <u>within the Coastal Hazard Overlays</u> that have either:</i> <ol style="list-style-type: none"> <i><u>Have a</u> low occupancy.</i> <i>or a <u>low replacement value.</u></i> <i><u>Are of a limited size, or</u></i> <i><u>Are resilient to the impacts of natural hazards within the Coastal Hazard Overlays.</u></i>
CE-P14 Additions to existing buildings and structures within the Coastal Hazard Overlays	Support	The Fuel Companies support the intent of this provision, provide this supports the amendments sought on CE-R10 and CE-R11, and specifically permitted activity pathway for additions of a limited size in Seaview’s industrial zones to align with that provided for new buildings and structures under CE-R15.2.	Retain CE-P14 as notified.
CE-P15 Subdivision, Use and Development within the Coastal Hazard Overlays	Support	The Fuel Companies support the intent of this provision provide this supports the amendments sought on CE-R15, and specifically permitted activity pathway in the Medium and High Coastal Hazard Overlays for buildings of a limited size, or buildings that are not fully enclosed and do not have a constructed floor.	Retain CE-P15 as notified.



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CE-R4 Land use activities in the Coastal Environment	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-R4 as notified.
CE-R6 Maintenance, repair, alteration and demolition of existing buildings and structures in the Coastal Environment	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-R6 as notified.
CE-R7 New buildings and structures and additions to existing buildings and structures in the Coastal Environment	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-R7 as notified.
CE-R8 Additions to existing buildings and structures for activities least sensitive to natural hazards in all Coastal Hazard Overlays	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-R8 as notified.
CE-R9 Additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Tsunami Hazard Overlay	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-R9 as notified.
CE-R10 Additions to existing buildings and structures for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays	Oppose in part	The Fuel Companies support the intent of this provision but consider that the rule should permit additions in Seaview's industrial zones up to 200m ² , as CE-R15.2 permits new buildings or structures up to 200m ² in the Medium Coastal Hazard Overlay.	<p>Amend CE-R10 as follows:</p> <p><u>General Industrial Zone in Seaview</u> <u>Heavy Industrial Zone in Seaview</u></p> <p><u>1. Activity status: Permitted</u> <u>Where:</u> a. <u>The addition does not increase the building footprint by more than 200m².</u></p> <p>All Zones <u>excluding</u> <u>General Industrial Zone in Seaview</u> <u>Heavy Industrial Zone in Seaview</u></p> <p><u>1.2. Activity status: Permitted</u></p> <p><u>Where:</u> a. <i>The addition is for an activity potentially sensitive to natural hazards and does not increase the building footprint by more than 100m², or</i> b. <i>The addition is for an activity most sensitive to natural hazards and does not increase the building footprint by more than 50m².</i></p> <p>All Zones</p> <p><u>2.3. Activity status: Restricted discretionary</u> <u>Where:</u> a. <i>Compliance with the requirements of CE-R10.1a or CE-R10.2 cannot be achieved.</i></p>



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			<p><i>Matters of discretion are restricted to:</i></p> <p>1. <i>The relevant matters in CE-P14: Additions to existing buildings and structures within the Coastal Hazard Overlays.</i></p>
CE-R11 Additions to existing buildings and structures for activities potentially sensitive to natural hazards in the High Coastal Hazard Overlays	Oppose in part	The Fuel Companies support the intent of this provision but consider that a permitted activity pathway should be provided for additions in Seaview's industrial zones. The rule requires resource consent for any addition, despite CE-R15.2 permitting new buildings or structures up to 200m ² in a High Coastal Hazard Overlay.	<p>Amend CE-R11 as follows:</p> <p><u>General Industrial Zone in Seaview</u> <u>Heavy Industrial Zone in Seaview</u></p> <p><u>1. Activity status: Permitted</u> <u>Where:</u> a. <u>The addition does not increase the building footprint by more than 200m².</u></p> <p><u>2. Activity status: Restricted discretionary</u> <u>Where:</u> a. <u>Compliance with the requirements of CE-R11.12 cannot be achieved.</u></p> <p><u>Matters of discretion are restricted to:</u> <u>The relevant matters in CE-P14: Additions to existing buildings and structures within the Coastal Hazard Overlays.</u></p> <p>All Zones excluding <u>General Industrial Zone in Seaview</u> <u>Heavy Industrial Zone in Seaview</u></p> <p>4.3. <u>Activity status: Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <i>The relevant matters in CE-P14: Additions to existing buildings and structures within the Coastal Hazard Overlays.</i></p>
CE-R12 Additions to existing buildings and structures for activities most sensitive to natural hazards in the High Coastal Hazard Overlays	Support	The Fuel Companies support the intent of this provision provided that their bulk fuel storage terminals / associated infrastructure, service stations and truck stops are not captured by this rule (refer to the Fuel Companies' requested amendments to the "activities most sensitive to natural hazards", "activities potentially sensitive to natural hazards" and "significant hazardous facilities" definitions).	Retain CE-R12 as notified.
CE-R13 New buildings and structures and the conversion of existing buildings for activities least sensitive to natural hazards in the Coastal Hazard Overlays	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-R13 as notified.
CE-R14 Conversion of existing buildings for activities potentially sensitive to natural hazards in the Coastal Hazard Overlays	Support	The Fuel Companies support the intent of this provision and seek that it be retained.	Retain CE-R14 as notified.
CE-R15 New buildings and structures for activities potentially sensitive to natural hazards in the Coastal Hazard Overlays	Support and Oppose in part	<p>The Fuel Companies support clauses (2) and (3) for the permitted and restricted discretionary activity frameworks for the Seaview General and Heavy Industrial Zones and Petone Metropolitan Centre Zone.</p> <p>However, for the other zones, the Fuel Companies oppose a blanket resource consent requirement for any new building or structure under clauses (4) and (5) relating to the medium and high coastal hazard overlays. For example, it would be unnecessary, with</p>	<p>Amend CE-R15 as follows:</p> <p><u>1. Activity status: Permitted</u> <u>Where:</u> a. <u>The new building or structure is located in a Low Tsunami Hazard Overlay, or</u></p>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		respect to its effects on coastal hazard risks, to require a resource consent for buildings of a very limited size, or where buildings are resilient to the coastal hazard risks, such as where it is not fully enclosed and does not have a constructed floor where it will have immaterial effects on coastal hazard risks.	<p>b. The new building or structure is located in a Medium Coastal Hazard Overlay or High Coastal Hazard Overlay, and does not exceed 10m² gross floor area</p> <p>c. The building or structure in the Coastal Hazard Overlays is not fully enclosed by walls and does not have a constructed floor.</p> <p>[...]</p> <p>4. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. The new building or structure is located in a Medium Coastal Hazard Overlay <u>and has a gross floor area greater than 10m².</u></p> <p>Matters of discretion are restricted to:</p> <p>a. The relevant matters in CE-P15: Subdivision, Use and Development within the Coastal Hazard Overlays.</p> <p>5. Activity status: Discretionary</p> <p>Where:</p> <p>a. The new building or structure is located in a High Coastal Hazard Overlay <u>and has a gross floor area greater than 10m².</u></p>
CE-R16 New buildings and structures and the conversion of existing buildings for activities most sensitive to natural hazards in the Coastal Hazard Overlays	Support	The Fuel Companies support the intent of this provision provided that their bulk fuel storage terminals / associated infrastructure, service stations and truck stops are not captured by this rule (refer to the Fuel Companies' requested amendments to the "activities most sensitive to natural hazards", "activities potentially sensitive to natural hazards" and "significant hazardous facilities" definitions).	Retain CE-R16 as notified.
Part 2: GENERAL DISTRICT-WIDE MATTERS - Earthworks			
Chapter Introduction	Support	The Fuel Companies support the intent of the introduction and seek that it be retained.	Retain the Earthworks chapter introduction as notified.
EW-O1 Earthworks	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain EW-O1 as notified.
EW-P1 Minor earthworks	Support	The Fuel Companies support the intent of this provision to permit minor earthworks and seek that it be retained.	Retain EW-P1 as notified.
EW-P2 Appropriate earthworks	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain EW-P2 as notified.
EW-P6 Earthworks within Flood Hazard Overlays	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain EW-P6 as notified.
EW-P10 Earthworks on Sites and in Areas of Significance to Māori	Support in part	<p>The Fuel Companies are concerned that, as notified, this policy could be interpreted as requiring the protection of all sites and areas of significance to Māori in all circumstances.</p> <p>That is an extremely high threshold and will be particularly problematic for sites that have already been affected by development and/ or potentially destroyed, or where some development may be appropriate to be located within the site. Nor does the objective recognise that certain activities may be able to be undertaken on sites in a manner that protects or maintains the values associated with the site, but where some adverse effects occur, to the extent that the activity could not be considered to protect the site per se.</p> <p>Further, the policy does not recognise that some sites and areas of significance to Māori may already be affected by development that is of regional significance (such as the NZOSL Hutt City fuel Terminal) and that such activities may have specific operational and functional needs (including in terms of maintenance, upgrade and/or expansion) that limit their ability to completely avoid adverse effects.</p>	<p>Amend EW-P10 as follows:</p> <p><i>Earthworks on sites and in areas of significance to Māori are managed as follows:</i></p> <ol style="list-style-type: none"> 1. <i>Enable small-scale earthworks for burials within existing sites or areas of significance to Māori that are urupā.</i> 2. <i>Provide for other earthworks on sites and areas of significance in SCHED6 - Sites and Areas of Significance to Māori where it can be demonstrated that the identified values will be protected <u>or maintained</u>, having regard to:</i> <ol style="list-style-type: none"> a. <i>The extent of the earthworks,</i> b. <i>The manner in which the earthworks are undertaken,</i> c. <i>The monitoring of earthworks, and</i> d. <i>The avoidance of archaeological sites2.</i> e. <i><u>the operational need or functional need for the activity to locate on a site or area of significance to Māori, and</u></i> f. <i><u>the extent to which the site is already affected by existing development.</u></i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
EW-P13 Earthworks within coastal margins and riparian margins	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain EW-P13 as notified.
EW-R1 Minor earthworks	Support in part	<p>The Fuel Companies support the intent of this rule.</p> <p>An amendment is sought to clarify that minor earthworks within Outstanding Coastal Natural Character Areas are a discretionary activity under EW-R15. In other overlay areas, rules EW-R12, EW-R13, EW-R14 continue to provide for minor earthworks as a permitted activity, but a minor clarification is sought to those rule (see submission points on EW-R12, EW-R13, EW-R14).</p> <p>The earthworks standards EW-S1 to EW-S14 apply to various earthworks activities but not specifically to minor earthworks. However, it is considered that all sites should be managed appropriately, and in particular, the need for minor earthworks to comply with standard EW-S5 for site reinstatement. A corresponding minor change has been sought in EW-S5.</p>	<p>Amend Rule EW-R1 as follows:</p> <p><u>Minor Earthworks, except as provided by EW-R15</u></p> <p><i>All Zones</i></p> <p>1. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is achieved with EW-S5.</u></p> <p><u>All Zones</u></p> <p>2. <u>Activity status: Restricted discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with EW-S5.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>The matters of discretion of any infringed standard.</u></p> <p>2. <u>The matters in EW-P1: Minor Earthworks</u></p>
EW-R6 Earthworks within Flood Hazard Overlays	Support	The Fuel Companies support the intent of this provision and seek that it is retained.	Retain EW-R6 as notified.
EW-R10 Earthworks on Sites and in Areas of Significance to Māori	Support in part	The Fuel Companies support the intent of this provision. The intent of the PDP is that rule EW-R1 permits minor earthworks in all zones and overlay area unless otherwise restricted by another rule, of which, EW-R15.19(a)(ii) is the only such rule for minor earthworks (discretionary activity within Outstanding Coastal Natural Character Areas). In other overlay areas, rules EW-R12, EW-R13, EW-R14 continue to provide for minor earthworks as a permitted activity. For the avoidance of doubt, the Fuel Companies consider that rule EW-R10 should also clarify that minor earthworks in accordance with EW-R1 continue to be a permitted activity within Sites and in Areas of Significance to Māori.	<p>Amend Rule EW-R10.1 as follows:</p> <p><i>All Zones</i></p> <p>1. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The earthworks are associated with burials within an existing urupā, or</u></p> <p>b. <u>Compliance is achieved with EW-S9: Earthworks on Sites and in Areas of Significance to Māori, or</u></p> <p>c. <u>The earthworks are minor earthworks in accordance with EW-R1.1.</u></p>
EW-R12 Earthworks within Outstanding Natural Features and Landscapes	Support in part	The Fuel Companies support the intent of these overlay rules, which provide for minor earthworks as a permitted activity in the overlay areas. However, for clarity it is considered that minor earthworks under each rule should be in accordance with EW-R1 (including compliance with standard EW-S5 as sought by the Fuel Companies)	<p>Amend Rule EW-R12.1, EW-R13.1 and EW-R14.1 as follows:</p> <p><i>All Zones</i></p> <p>2. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>...</p> <p>c. <u>The earthworks are minor earthworks in accordance with EW-R1.1.</u></p>
EW-R13 Earthworks within coastal margins and riparian margins	Support in part		
EW-R14 Earthworks within High and Very High Coastal Natural Character Areas	Support in part		
EW-S1 Area of earthworks	Support in part	The Fuel Companies support the intent of this standard but request a new matter of discretion that accounts for benefits associated with earthworks activities.	<p>Amend EW-S1 as follows:</p> <p><u>Matters of discretion if the standard is breached:</u></p> <p>1. <u>The stability of land or structures in or on the site or adjacent sites.</u></p> <p>2. <u>The visual amenity values and character of the surrounding area.</u></p> <p>3. <u>The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform.</u></p> <p>4. <u>The retention of silt and sediment on the site and the control of dust.</u></p> <p>5. <u>The staging of earthworks.</u></p>



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			6. <i>The total area of exposed soils at any point in time.</i> 7. <u>Benefits associated with the earthworks.</u>
EW-S2 Cut height and fill depth	Support in part	The Fuel Companies support the intent of this standard but request a new matter of discretion that accounts for benefits associated with earthworks activities.	Amend EW-S2 as follows: <i>Matters of discretion if the standard is breached:</i> <ol style="list-style-type: none"> <i>The stability of land or structures in or on the site or adjacent sites.</i> <i>The visual amenity values and character of the surrounding area.</i> <i>The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform.</i> <i>The retention of silt and sediment on the site and the control of dust.</i> <i>The staging of earthworks.</i> <i>The total area of exposed soils at any point in time.</i> <u>Benefits associated with the earthworks.</u>
EW-S4 Transport of cut and fill material	Support in part	The Fuel Companies support the intent of this standard but request a new matter of discretion that accounts for benefits associated with earthworks activities.	Amend EW-S4 as follows: <i>Matters of discretion if the standard is breached:</i> <ol style="list-style-type: none"> <i>The safe and efficient operation of the transport network.</i> <i>Any nuisance effects.</i> <i>The retention of silt and sediment on site.</i> <u>Benefits associated with the earthworks.</u>
EW-S5 Site reinstatement	Support in part	As note in relation for rule EW-R1, the Fuel Companies consider that minor earthworks should be managing appropriately and meet the requirements of standard EW-S5 for site reinstatement.	Amend EW-S5 as follows: <ol style="list-style-type: none"> <i>As soon as practical, but no later than three months after the completion of <u>the minor earthworks</u>, earthworks or stages of earthworks, the earthworks area must be stabilised with vegetation or sealed, paved, metalled or built over.</i>
EW-S9 Earthworks on Sites and in Areas of Significance to Māori	Support in part	The Fuel Companies support the intent of EW-S9 but seek that matters of discretion are added to recognise the operational or functional need for the earthworks to occur on sites and areas of significance to Māori.	Amend EW-S9 as follows: [...] <i>Matters of discretion if the standard is breached:</i> <ol style="list-style-type: none"> <i>The effect of the earthworks on the identified Sites and Areas of Significance to Māori.</i> <u>the operational need or functional need for the earthworks to occur.</u>
EW-S11 Earthworks within coastal margins and riparian margins	Support in part	The Fuel Companies support the intent of this standard but request a new matter of discretion that accounts for benefits associated with earthworks activities, and operational or functional needs.	Amend EW-S11 as follows: [...] <i>Matters of discretion if the standard is breached:</i> <ol style="list-style-type: none"> <i>The effect of the earthworks on the natural character of the coastal margin or riparian margin.</i> <i>The ability to integrate the proposed earthworks and be sympathetic with the surrounding landform.</i> <i>The degree to which the effects of the earthworks can be remedied or mitigated.</i> <u>The operational need or functional need for the earthworks to occur.</u>
Part 2: GENERAL DISTRICT-WIDE MATTERS - Temporary Activities			
Chapter introduction	Support in part	For similar reasons identified in the submission on TEMP-O2.	Amend the introduction to the Temporary Activities chapter as follows: [...] <i>The benefits of temporary activities and the limited duration of adverse effects mean that those effects are likely to be more acceptable to the community. This chapter therefore provides a more liberal pathway for certain temporary activities in zones where they might not otherwise be provided for. <u>Except in the Seaview Marina Zone and Heavy Industrial Zone at Seaview.</u> Temporary activities are permitted where they meet certain standards. Where they exceed the thresholds in those standards, operators can apply for resource consents which assess the effects of those activities case by case.</i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
			<u>Temporary activities in the Seaview Marina Zone and Heavy Industrial Zone at Seaview require resource consent so that risk and reverse sensitivity effects associated with proximity to nearby significant hazardous facilities and the Hutt City fuel transmission pipeline are appropriately avoided or managed.</u> [...]
TEMP-O2 Adverse effects of temporary activities	Support in part	Activities occurring in the Seaview Marina Zone and the Heavy Industrial Zone at Seaview need to be appropriately managed given their proximity to the Hutt City Wharfline and that most of the terminals' risk contours (i.e., the Risk Management Overlay) encompass this area. Key to this is ensuring that temporary activities (e.g., markets, cultural or sporting events) are managed, as crowds of people congregating in proximity of this infrastructure poses potential residual risk and reverse sensitivity issues. Permitting temporary activities in the Seaview Marina Zone and Heavy Industrial Zone at Seaview is particularly dangerous as this could lead to a scenario where large crowds gather in immediate proximity of the Wharfline and fuel terminals, with no requirement to consider / address risk management. It is critical that land use activities surrounding the Wharfline are managed to ensure that unacceptable reverse sensitivity and risk issues are avoided, whilst enabling the continued safe and unimpeded operation of this RSI. To achieve this, the Fuel Companies request amendments to TEMP-O2, a new policy, and amendments to TEMP-R1 to require a consent for temporary activities so as to appropriately manage the risks and reverse sensitivity effects associated with the Risk Management Overlay.	Amend TEMP-O2 as follows: <i>Temporary activities occur in ways that:</i> <ol style="list-style-type: none"> 1. <i>Protect cultural and heritage values, people's health and safety, and the natural environment,</i> 2. <i>Protect public access to lakes, rivers, and the coast,</i> 3. <i>Do not detract from public access to public spaces (other than any public space in which the temporary activity occurs) and the operations and capacity of the transport network more than is reasonable considering the benefits of the activity,</i> 4. <i>Do not detract from amenity values more than is reasonable considering the benefits of the activity, and</i> 5. <i>Have only temporary adverse effects.</i> 6. <u>In the Seaview Marina Zone and Heavy Industrial Zone at Seaview, avoid unacceptable residual risk and reverse sensitivity effects associated with the nearby significant hazardous facilities and the Hutt City fuel transmission pipeline.</u>
New policy	Support	For similar reasons identified in the submission on TEMP-O2.	Insert TEMP-PX as follows: <u>TEMP-PX Temporary activities in the Seaview Marina Zone and Heavy Industrial Zone at Seaview Ensure that temporary activities within the Seaview Marina Zone and Heavy Industrial Zone at Seaview are appropriately located and managed to avoid unacceptable residual risk effects and reverse sensitivity effects associated with nearby significant hazardous facilities and the Hutt City fuel transmission pipeline.</u>
TEMP-R1 Temporary activities	Support in part	For similar reasons identified in the submission on TEMP-O2.	Amend TEMP-R1 as follows: All zones excluding <u>Seaview Marina Zone and Heavy Industrial Zone at Seaview</u> <ol style="list-style-type: none"> 1. Activity status: Permitted [...] 2. Activity status: Restricted discretionary [...] 3. Activity status: Restricted discretionary <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> 1. <u>Positive effects, including contribution to Lower Hutt's vibrancy, diversity, and prosperity.</u> 2. <u>The management of residual risk effects and reverse sensitivity effects associated with nearby significant hazardous facilities and the Hutt City fuel transmission pipeline.</u>
Part 3: ZONES – Industrial Zones – Light Industrial Zone			
LIZ-O1 Purpose of the zone	Support in part	Objective LIZ-O1 should be amended to focus on what can appropriately establish in the Light Industrial Zone that is consistent with the zone and doesn't compromise the purpose or integrity of the zone. As currently worded Objective LIZ-O1 appears to suggest the LIZ is simply a default zone for activities that aren't appropriate in commercial centres. That could suggest an assessment of the activity is required in relation to the commercial centres zone provisions to discount why it has not been located in an alternative zone, and or an assessment of alternative sites that may be available in the commercial centres and	Amend LIZ-O1 as follows: <i>The Light Industrial Zone is used primarily to meet the needs of industrial and research activities, and compatible activities such as commercial, community, or government activities that do not compromise the efficiency and functionality of the zone for light industrial activities are not appropriately located in commercial centres. The Light Industrial Zone is usually located next to or</i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		justification as to why they haven't been selected. The primary objective of the LIZ should focus on the purpose and intent of the LIZ itself.	<i>near residential, commercial, and other zones that provide for activities sensitive to industry, and activities in the zone are managed to be compatible with this.</i>
LIZ-O2 Activities in the Zone	Support in part	<p>As per LIZ-O2, the objective should be amended to focus on activities supporting the role and purpose of the Light Industrial Zone. As currently wording, the emphasis on maintain the centres hierarchy essentially provides for activities that are incompatible with the Light Industrial Zone to establish in the zone, provided the role of commercial centres is protected.</p> <p>That's inappropriate. It also continues the approach of suggesting assessment of alternative options and sites in other zones will be required and could then be used as justification for an activity that compromises other Light Industry activities.</p>	<p>Amend LIZ-O2 as follows.</p> <p><i>The Light Industrial Zone:</i></p> <ol style="list-style-type: none"> <i>Primarily provides for industrial activities and research activities,</i> <i>Provides for emergency facilities and trade and industrial training activities,</i> <i>Is supported by other activities that:</i> <ol style="list-style-type: none"> <i>Are compatible with the purpose, the planned character, and the planned urban environment of the zone,</i> <i>Do not undermine the role of <u>the light industrial zone commercial centres</u>, and</i> <i>Support the industrial activities and research activities in the zone, including the needs of workers at those activities.</i> <i>Provides for other activities that:</i> <ol style="list-style-type: none"> <i>Are compatible with the purpose, the planned character, and the planned urban environment of the zone, <u>and</u></i> <i>Do not result in reverse sensitivity effects that may constrain the establishment and operation of light industrial and research activities. undermine the role of commercial centres, and</i> <i>Are of a nature and scale that does not undermine the hierarchy of centres. One or more of the following:</i> <ol style="list-style-type: none"> <i>Have a functional need or operational need to locate in an Industrial Zone,</i> <i>or</i> <i>Have significant co-location benefits when located in the area, or</i> <i>Are a commercial activity that is compatible with the light industrial zone not suited to being in a commercial centre, or</i> <i>Due to the size, layout, or operation of the activity, would have difficulty finding a suitable site in any other zone, or</i> <i>Are otherwise better located in an Industrial Zone than in any other type of zone, or</i> <i>Are an interim use and do not create obstacles to re-using their sites for industrial activities or research activities in future.</i> <i>Is not intended to provide for:</i> <ol style="list-style-type: none"> <i>Standalone residential activities that do not support an industrial activity, research activity, or emergency facility, or</i> <i>Activities that would be a city-wide or regional destination for significant numbers of visitors.</i>
LIZ-O4 Planned character and planned urban built environment of the zone	Support	The objective is appropriate, particularly regarding the balancing of planned character with the functional and operational needs of primary activities in the zone.	Retain LIZ-O4 as notified.
LIZ-O5 Character – main through routes	Support	The Fuel Companies support the intent of this provision and seeks that it is retained as notified.	Retain LIZ-O5 as notified.
LIZ-O6 Adverse effects	Support	The Fuel Companies support the intent of this provision and seeks that it is retained as notified.	Retain LIZ-O6 as notified.
LIZ-P2 Residential activities and other activities sensitive to industry	Oppose	<p>Policy LIZ-P2 should be amended. Commercial activities (addressed in Policy LIZ-P4) are far more likely to be compatible with and not result in reverse sensitivity effects in a Light Industry zone than residential activities. The balance between LIZ-P2 and LIZ-P4 should be reversed so that the presumption is that residential activities are avoided unless certain circumstances exist (rather than provided for), and commercial activities are provided for where adverse effects, including reverse sensitivity effects, can be appropriately managed.</p> <p>Nor is the wording of Policy LIZ-P2 and Policy LIZ-P4 consistent with the activity status of these rules where residential activities require restricted discretionary activity consent, at</p>	<p>Amend LIZ-P2 as follows.</p> <p><i>LIZ-P2 Residential activities and other activities sensitive to industry</i></p> <ol style="list-style-type: none"> <i>Provide for</i> <i>Avoid</i> new residential activities <i>unless where they are:</i> <ol style="list-style-type: none"> <i>Are Ancillary</i> <i>to or associated with an industrial activity, research activity, or emergency facility, or</i> <i>Create a more efficient use of an existing residential activity, and</i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		least, in all situations, while provision is made for commercial activities as a permitted activity.	<p>2. Provide for <u>Avoid</u> other new activities sensitive to industry unless where they are:</p> <ol style="list-style-type: none"> Primarily serve the immediate area within the zone, or Have similar adverse effects and requirements to industrial activities that mean they are better located in a Light Industrial Zone than in a commercial centre, or Have appreciable co-location benefits in the Light Industrial Zone in particular. <p>3. Recognise that residential activities and other activities sensitive to industry are not primary uses in the zone and that amenity values in the zone are governed primarily by industrial needs.</p> <p>4. Where these activities are not avoided they are Managed residential activities and other activities sensitive to industry to mitigate avoid <u>reverse sensitivity effects for industry.</u></p>
LIZ-P4 Other potentially incompatible activities	Support in part	<p>As above, the balance between LIZ-P2 and LIZ-P4 should be reversed so that the presumption is that residential activities are avoided unless certain circumstances exist (rather than provided for), and commercial activities are provided for where adverse effects, including reverse sensitivity effects, can be appropriately managed.</p> <p>Commercial activities (addressed in Policy LIZ-P4) are far more likely to be compatible with and not result in reverse sensitivity effects in a Light Industry zone than residential activities (addressed in Policy LIZ-P2).</p>	<p>Amend LIZ-P4 as follows.</p> <p><i>LIZ-P4 Other potentially incompatible activities</i></p> <p>Avoid <u>Provide for</u> commercial and community activities <u>where unless</u> they:</p> <ol style="list-style-type: none"> Are ancillary to a permitted activity and support the purpose of the zone, or Primarily serve the immediate area within the zone, or Have similar <u>adverse effects and requirements of a nature and scale that is compatible with the to industrial activities that mean they are located in a</u> Light Industrial Zone than in a commercial centre (for example, vehicle-oriented businesses, trade supply retail activities and yard-based retail activities), or Primarily serve surrounding suburbs but a suitable available site is unlikely to be available for the activity in a commercial centre (for example, supermarkets) <u>Are of a nature and scale that does not undermine the hierarchy of Centres,</u> or Have appreciable co-location benefits with existing industrial activities or research activities in an Industrial Zone; <u>and.</u> <p>6. When these activities are not avoided, they are <u>Are</u> managed to avoid significant reverse sensitivity issues for industry.</p>
LIZ-P5 Existing activities	Support in part	The policy intent is appropriate, particularly regarding providing for the ongoing operation of existing activities while managing development to support the zone's planned character and purpose. Specific recognition should be provided for ongoing maintenance of existing activities, in the context that 'development' will otherwise be managed.	<p>Amend LIZ-P5 as follows.</p> <p><i>LIZ-P5 Existing activities</i></p> <p><i>Provide for the ongoing operation <u>and maintenance</u> of existing activities while managing their development to support the intended purpose and character of the zone.</i></p>
LIZ-P6 Role in network of commercial and industrial areas	Support in part	The suitability of a commercial activity proposed for a commercial centre should be addressed in the policy framework for Commercial Centres. It is inappropriate to require a resource consent application lodged for an activity in the Light Industry Zone to be considered in terms of whether or not it is suitability for a commercial centre location. The centres hierarchy approach is adequately addressed by way of LIZ-P7 and does not need to be repeated in LIZ-P6.	<p>Amend LIZ-P6 as follows:</p> <p><i>LIZ-P6 Role in network of commercial and industrial areas</i></p> <p><i>Recognise Light Industrial areas as providing for commercial activities that are <u>ancillary to industrial activities or are of a nature and scale that does not undermine the hierarchy of Centres not well suited in commercial centres because of their adverse effects, or co-location benefits with industrial or research activities, or inherent less efficient use of land.</u></i></p>
LIZ-P9 Urban design outcomes (by meeting standard or assessment)	Support in part	The Fuel Companies support the seeking of good urban design outcomes in the zone but considers that the functional and operational needs of activities, particularly in an industrial zone, are recognised. The Fuel Companies acknowledge the reference to functional and	Amend LIZ-P9 as follows:



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		operational needs under LIZ-O4, which it supports, but considers it should also be recognised in the policy which implements it.	[...] Where <u>functional and operational needs</u> , specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical. [...]
LIZ-P10 Urban design outcomes (other than industrial activities and research activities)	Support in part	Much of the policy is inappropriate and unnecessary for an industrial zone. Notwithstanding this, it is not opposed, with the exception that: <ul style="list-style-type: none"> - Specific recognition should be provided for the functional and operational needs of industrial activities, in balancing urban design aspirations; and - Outcome 6 should be deleted. It is completely out of context with the generally lower amenity expectations for a light industrial zone. 	Amend LIZ-P10 as follows: [...] Where <u>functional and operational needs</u> , specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical. [...] The outcomes are: 1.... New developments display aesthetic value, by responding to existing buildings, providing interesting contrast to existing buildings, or establishing positive new or evolved architectural themes and traditions, and in doing so positively contribute to place and local identity and community pride, particularly on prominent sites such as corners or terminated vistas.
LIZ-P11 Urban design outcomes (exclusions)	Support	The Fuel Companies support the intent of this provision and seeks that it is retained as notified.	Retain LIZ-P11 as notified.
LIZ-P12 Managing adverse effects at zone interfaces	Support in part	The Fuel Companies support the intent of this policy but amendments are required in relation to the managing effects on the Mixed Use Zone, per its reasoning in its submission on LIZ-R23 and LIZ-R24.	Amend LIZ-P12 as follows: Manage activities to mitigate adverse effects on other zones by: <ol style="list-style-type: none"> 1. Ensuring outdoor work, storage, loading, and parking areas are screened from level view from Residential Zones, Mixed Use Zones (<u>where a site is used for an activity sensitive to industry</u>), Rural Zones, Special Purpose Zones, and Open Space and Recreation Zones, and 2. Restricting servicing hours near boundaries with Residential Zones, Mixed Use Zones (<u>where a site is used for an activity sensitive to noise</u>), Marae Zones, and notional boundaries of activities sensitive to noise in Rural Zones.
LIZ-R1 Repair and maintenance of buildings and structures	Support	The rule is appropriate as it permits repair and maintenance without any conditions.	Retain LIZ-R1 as notified.
LIZ-R2 Demolition or removal of buildings and structures	Support	The rule is appropriate as it permits demolition or removal without any conditions.	Retain LIZ-R2 as notified.
LIZ-R3 Construction of new buildings and structures and alterations and additions to existing buildings and structures	Oppose in part	The Fuel Companies acknowledge the intent of this rule, however, there are various issues: <ul style="list-style-type: none"> • As the definition of “alteration” is a modification that does not increase the gross floor area, footprint, or height of the building or structure, the need for these works, in an industrial zone, to comply with the standards is unclear and the basis for this is not apparent in the s 32 evaluation report. As such, some exceptions should be provided to alterations. The only standard that could be potentially relevant is LIZ-S4 as an alteration might not change GFA, footprint or height but may result in new windows that overlook an adjoining sensitive zone. • Clause (1)(b) requires that the development is for a permitted activity under LIZ-R4 to LIZ-R17. It is unclear why this clause is necessary, as the zone’s urban design outcomes are a matter of discretion for all restricted discretionary activities in this zone and all other activities are either discretionary or non-complying. As such, this clause is not necessary. • It would be onerous to require small buildings or structures (for example, with gross floor areas up to 50m²), in an industrial zone, to comply with LIZ-S5 and install a 3 m landscaping buffer or 1.8 m screening fencing. Exceptions should be provided for these. The Fuel Companies recommend amendments to LIZ-R3.1 based on the above. If the Fuel Companies requested amendments to LIZ-R3.1 are not made, it requests that service stations are excluded from this rule as alternative relief.	(1) Amend LIZ-R3.1 as follows: 1. Activity status: Permitted Where: <ol style="list-style-type: none"> a. Compliance is achieved with: <ol style="list-style-type: none"> i. LIZ-S1: Height, ii. LIZ-S2: Height in relation to boundary – Adjoining zones, iii. LIZ-S3: Setbacks – Adjoining zones, iv. LIZ-S4: Overlooking – Adjoining zones, <u>and</u> v. LIZ-S5: Landscaping and screening, and b. The new buildings, new structures, the alterations, or the additions, are for the purpose of an activity permitted by one or more of rules LIZ-R4 through LIZ-R17. <u>Except that:</u> <ol style="list-style-type: none"> a. <u>LIZ-S1, LIZ-S2, LIZ-S3 and LIZ-S5 do not apply to alterations to existing buildings and structures.</u> b. <u>LIZ-S5 does not apply to new buildings or structures, or additions to existing buildings and structures, with a gross floor area up to 50m².</u> OR, if (1) is not made:



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
			(2) Amend LIZ-R3 so that LIZ-R3.1 does not apply to service stations.
LIZ-R12 Service stations, including ancillary retail activities	Support in part	The Fuel Companies support the recognition of service stations and ancillary retail as a permitted activity.	Retain LIZ-R12 as notified
LIZ-R18 Residential activities	Support in part	<p>The Fuel Companies support are not opposed to provision being made for ancillary residential activities in the LIZ. However, 50% is not ancillary. Ancillary activity is defined in the national standards as ‘an activity that supports and is subsidiary to a primary activity’, which suggests a threshold of significantly less than 50% is appropriate.</p> <p>Residential activities should generally be discouraged in the LIZ. However, it is acknowledged that in some cases ancillary residential activities, such as for site security staff can be appropriate. A threshold of 15% would be more appropriate, and does not preclude applications being made for additional residential activity, but where full discretion can be exercised as to the appropriateness or otherwise of residential activity in the LIZ.</p>	<p>Amend LIZ-R18 as follows:</p> <p>LIZ-R18 Residential activities</p> <p>1. Activity status: <i>Restricted discretionary</i></p> <p>Where:</p> <ol style="list-style-type: none"> The residential activity is ancillary to an industrial activity, research activity, or emergency facility, and Residential activities and other sensitive activities account for no more than <u>15%</u> 50% of the gross floor area of all buildings on site.
LIZ-R19 Activities sensitive to industry, other than residential activities	Support in part	LIZ-R19 should be amended for the same reasons set out in relation to changes sought to LIZ-R18	<p>Amend LIZ-R19 as follows:</p> <p>LIZ-R19 Activities sensitive to industry, other than residential activities</p> <p>1. <i>Activity status:</i> <i>Restricted discretionary</i></p> <p>Where:</p> <ol style="list-style-type: none"> The residential activity is ancillary to an industrial activity, research activity, or emergency facility, and <p>Residential activities and other activities sensitive to industry account for no more than <u>15%</u> 50% of the gross floor area of all buildings on site.</p>
LIZ-R23 Outdoor storage and work areas	Oppose in part	<p>Regarding clause (1)(a):</p> <ul style="list-style-type: none"> The identification of the Mixed Use Zone is questioned as the zone permits many activities that are not defined as being sensitive to industry; those specifically provided for include light manufacturing and servicing, carparking, offices, supermarkets, and food and beverage. The zone also has “catch all” rules that provide a permitted pathway for any other activity not otherwise provided for. Hence, for the Mixed Use Zone, it would be reasonable to only have regard to “activities sensitive to industry”. On-site screening may not be able to fully screen views from the upper floors of buildings on adjoining sites. Hence, outdoor storage screening should be limited to ground level view, in accordance with LIZ-P12(1) which seeks that such areas are “screened from level view”. In the absence of “outdoor storage and work areas” being clearly defined or explained: <ul style="list-style-type: none"> A building or 1.8 m tall fence may not be necessary in all cases and screening could be provided by landscaping instead, also noting that it is visual amenity and not noise that is of concern for this rule (per the matters of discretion). A requirement for fencing along a site frontage (if a sensitive zone is opposite) does not seem to be necessary or justified, particularly if the opposite site is used for a non-sensitive activity. The Fuel Companies opposes it applying to a service station or truck stop due to operational and traffic safety issues. <p>Regarding clause (1)(b):</p> <ul style="list-style-type: none"> Requiring compliance with the entirety of LIZ-S5 creates a potential contradiction. Clause (1)(a) only requires the outdoor storage area to be screened from a specified zone, however, LIZ-S5.2 is more onerous and would require, irrespective of the location of the outdoor storage area relative to the boundary: <ul style="list-style-type: none"> a 3 m landscape buffer along a boundary that adjoins a specified zone; or a 1.8 m tall fence along a boundary that adjoins a specified zone. 	<p>Amend LIZ-R23 as follows:</p> <p>1. <i>Activity status:</i> <i>Permitted</i></p> <p>Where:</p> <ol style="list-style-type: none"> The outdoor storage and work areas are screened from <u>level view of</u> any adjoining site or opposite site in a Rural Zone, Open Space and Recreation Zone, Residential Zone, Marae Zone, or Mixed Use Zone (<u>where a site is used for an activity sensitive to industry</u>) by <u>landscaping</u>, a building or a solid or close-boarded fully opaque fence of at least 1.8 metres in height, and Compliance is achieved with <u>LIZ-S5: Landscaping LIZ-S5.1 and LIZ-S5.3.</u> <p>[...]</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Visual amenity from those sites from which the outdoor storage and work areas are required to be screened by condition LIZ-R23.1 or LIZ-S5: Landscaping and screening but are not. The urban design outcomes in LIZ-P10: Urban design outcomes (other than industrial activities and research activities), and exclusions in LIZ-P11. Any positive effects that can only be achieved through non-compliance with LIZ-R23.1 or LIZ-S5: Landscaping and screening. <u>The functional and operational needs of the activity.</u> <u>Site constraints that affect the activity's ability to comply with LIZ-R23.1.</u>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		<p>As such, it would be more appropriate for clause (1)(b) to only require compliance with LIZ-S5.1 and LIZ-S5.3.</p> <p>Regarding the matters of discretion of LIZ-R23.2, it should recognise the functional and operational needs of activities, as well as site constraints that affect their ability to comply with the rule.</p>	
LIZ-R24 Servicing	Oppose in part	<p>The Fuel Companies raise the following issues:</p> <ul style="list-style-type: none"> In conjunction with the “servicing” definition, which is very broad, the rule would capture any activity of delivering or collecting the specified items, irrespective of the specific activity’s frequency, duration and potential adverse effects (if any) on amenity. The rule, for example, would treat an occasional delivery by one person or personal vehicle, and the delivery of supplies by trucks, as the same. Leading on from this, both permitted activity pathways are onerous: <ul style="list-style-type: none"> For the setback distance pathway, a 40 m setback from the specified zones is significant and may be impossible for many sites that are in proximity to those zones.. The setbacks could also lead to the underutilisation, or vacancy, of land on sites. For the servicing hours pathway, it is inappropriate as activities in industrial areas often need to operate late or 24/7. Activities might also require delivery / dispatch times to be during the night / early morning to avoid day-time traffic congestion. In addition, it is unclear if and how this rule might apply to existing lawfully established activities and whether a requirement to comply would be triggered by changes to buildings and structures at an existing activity, or at the time a new business might move into an existing premise. The identification of the Mixed Use Zone is questioned as the zone permits many activities that are not identified as being sensitive to industry or noise, those specifically provided for light manufacturing and servicing, carparking, supermarkets, food and beverage and offices. It also has “catch all” rules that provide a permitted pathway for any other activity not otherwise provided for. <p>Overall, the rule as notified appears to be contrary to the zone’s purpose to provide for industrial activities and activities that support them, such as service stations and truck stops. The basis for this rule is not apparent in the s 32 evaluation report.</p> <p>As with other district plans, if necessary, it would be more appropriate for servicing and operational hours to be considered through the zone’s policy framework and/or matters of discretion.</p> <p>The Fuel Companies request that service stations are excluded from LIZ-R24.1. Alternatively, the Fuel Companies request amendments based on the issues above.</p>	<p>(1) Amend LIZ-R24 so that LIZ-R24.1 does not apply to service stations.</p> <p>OR, if (1) is not made:</p> <p>(2) Amend LIZ-R24 as follows:</p> <p><i>1. Activity status: Permitted</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>The servicing is not within 40 metres of a site in a Residential Zone, Mixed Use Zone <u>(where a site used for an activity sensitive to noise)</u>, or Marae Zone, and is not within 40 metres of the notional boundary of an activity sensitive to noise in a Rural Zone, or</i> <i>The servicing occurs only between 7:00am and 10:00pm.</i> <p>[...]</p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <i>The nighttime amenity of residential activities and other activities sensitive to noise in the surrounding area in Residential Zones, Mixed Use Zones, and Marae Zones.</i> <i><u>The functional and operational needs of the activity.</u></i> <i><u>Site constraints that affect the activity’s ability to comply with LIZ-R24.1.</u></i> <p>[...]</p>
LIZ-S5 Landscaping and screening	Oppose in part	<p>The Fuel Companies acknowledge the intent of the rule but is considered that requiring a 3 m landscape buffer to internal boundaries under LIZ-S5.2 could be particularly onerous for many activities anticipated in the zone, particularly on smaller sites, and therefore contrary to the zone’s purpose. The basis for this standard, and specifically a minimum 3 m landscape buffer, is not apparent in the s 32 evaluation report.</p>	Amend LIZ-S5 so that it does not apply to service stations.
Part 3: ZONES – Industrial Zones – General Industrial Zone			
GIZ-O1 Purpose of the zone	Support in part	<p>Objective GIZ-O1 should be amended to focus on what can appropriately establish in the General Industrial Zone (GIZ) that is consistent with the zone and doesn’t compromise the purpose or integrity of the zone. As currently worded Objective GIZ-O2 appears to suggest that the GIZ is a default location for commercial activities generating amenity effects on zones other than the GIZ. The primary objective of the GIZ should focus on the purpose and intent of the GIZ itself.</p>	<p>Amend GIZ-O1 as follows:</p> <p>GIZ-O1 Purpose of the zone</p> <p><i>The General Industrial Zone is used primarily to meet the needs of industrial and research activities and their supporting activities, particularly those activities that due to their adverse effects should be separated from residential activities and other activities sensitive to industry.</i></p>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
			<i>The Zone also provides for other compatible activities that that support this role <u>and do not compromise the efficiency and functionality of the zone for general industrial activities.</u> or do not interfere with the primary purpose, including commercial activities that are not appropriately located outside industrial areas because of their effects on amenity values or co-location benefits with industrial and research activities.</i>
GIZ-O2 Activities in the zone	Support in part	<p>The intent of the objective is supported. However, it is not clear what a 'reasonable' reverse sensitivity effect would be and the concept of only managing 'unreasonable' reverse sensitivity effects is opposed. The word 'unreasonable' should be deleted.</p> <p>As per the submission on LIZ-O2, Objective GIZ-O2 objective should be amended to focus on activities supporting the role and purpose of the GIZ. As currently wording, the emphasis on maintain the centres hierarchy essentially provides for activities that are incompatible with the GIZ to establish in the zone, provided the role of commercial centres is protected. That's inappropriate. It also continues the approach of suggesting assessment of alternative options and sites in other zones will be required and could then be used as justification for an activity that compromises other General Industrial Zone activities.</p>	<p>Amend GIZ-O2 as follows:</p> <p><i>GIZ-O2 Activities in the zone</i></p> <p><i>The General Industrial Zone:</i></p> <ol style="list-style-type: none"> 1. <i>Primarily provides for industrial activities and research activities,</i> 2. <i>Provides for emergency facilities and trade and industrial training activities,</i> 3. <i>Is supported by other activities that:</i> <ol style="list-style-type: none"> a. <i>Are compatible with the purpose, the planned character, and the planned urban environment of the zone,</i> b. <i>Do not create unreasonable reverse sensitivity effects that constrain the use of the General Industrial Zone for industrial activities and research activities,</i> c. <i>Do not create unreasonable reverse sensitivity effects that constrain the use of the Heavy Industrial Zone for heavy industrial activities,</i> d. <i>Do not undermine the role of the <u>general industrial zone commercial centres</u>, and</i> e. <i>Support the industrial activities and research activities in the zone, including the needs of workers at those activities.</i> 4. <i>Provides for other activities that:</i> <ol style="list-style-type: none"> a. <i>Are compatible with the purpose, the planned character, and the planned urban environment of the zone,</i> b. <i>Do not create unreasonable reverse sensitivity effects that constrain the use of the General Industrial Zone for industrial activities and research activities,</i> c. <i>Do not create unreasonable reverse sensitivity effects that constrain the use of the Heavy Industrial Zone for heavy industrial activities,</i> d. <i><u>Are of a nature and scale that does Do</u> not undermine the role of commercial centres-hierarchy, and</i> e. <i>One or more of the following:</i> <ol style="list-style-type: none"> i. <i>Have a functional need or operational need to locate in the General Industrial Zone, or</i> ii. <i>Have significant co-location benefits when located in the area, or</i> iii. <i>Are better located in an Industrial Zone than in any other zone, or</i> iv. <i>Due to the size, layout, or operation of the activity, would have difficulty finding a suitable site in any other zone, or</i> v. <i>Are an interim use and do not create obstacles to re-using their site for industrial activities or research activities in future.</i> 5. <i>Is not intended to provide for:</i> <ol style="list-style-type: none"> a. <i>Residential activities,</i> b. <i>Other activities sensitive to industry, and</i> c. <i>Activities that would be a city-wide or regional destination for significant numbers of visitors.</i>
GIZ-O3 Provision of industrial spaces	Support	The Fuel Companies support the intent of this provision and seeks that it is retained as notified.	Retain GIZ-O3 as notified.
GIZ-O4 Planned character and planned urban built environment of the zone	Support	The Fuel Companies support the intent of this provision and seeks that it is retained as notified.	Retain GIZ-O4 as notified.
GIZ-O6 Adverse effects	Support	The Fuel Companies support the intent of this provision and seeks that it is retained as notified.	Retain GIZ-O6 as notified.



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
GIZ-P2 Residential activities and other activities sensitive to industry	Support in part	The intent of the policy is supported. However, the Fuel Companies consider reverse sensitivity effects on industry should be avoided entirely, not simply minimised.	<p>Amend GIZ-P2 as follows:</p> <p><i>GIZ-P2 Residential activities and other activities sensitive to industry</i></p> <p><i>Avoid new residential activities and other activities sensitive to industry unless they are:</i></p> <ol style="list-style-type: none"> 1. Ancillary to and support an industrial activity, research activity, or emergency facility, 2. Managed so that they do not adversely impact the long-term development capacity of the zone for industrial development, including through managing the design of new buildings, and 3. Managed to <u>avoid minimise</u> reverse sensitivity effects for industry, including existing heavy industry.
GIZ-P4 Other potentially incompatible activities	Support in part	As per the submission on GIZ-O2, Policy GIZ-P4 should be amended to focus on activities supporting the role and purpose of the GIZ. As currently wording, the emphasis on maintaining the centres hierarchy essentially provides for activities that are incompatible with the GIZ to establish in the zone, provided the role of commercial centres is protected. That's inappropriate. It also continues the approach of suggesting assessment of alternative options and sites in other zones will be required and could then be used as justification for an activity that compromises other General Industrial Zone activities. All reverse sensitivity effects should be avoided, not just significant reverse sensitivity effects.	<p>Amend GIZ-P4 as follows:</p> <p><i>GIZ-P4 Other potentially incompatible activities</i></p> <p><i>Avoid commercial and community activities unless they:</i></p> <ol style="list-style-type: none"> 1. Are ancillary to a permitted activity and support the purpose of the zone, or 2. Primarily serve the immediate area within the zone, or 3. Have <u>similar</u> adverse effects and requirements <u>of a nature and scale that is compatible with the General to industrial activities that mean they are better located in an Industrial Zone than anywhere else</u> (for example, trade supply retail activities and yard-based retail activities), or 4. Primarily serve surrounding suburbs but a suitable available site is unlikely to be available for the activity in a commercial centre (for example, supermarkets) <u>Are of a nature and scale that does not undermine the hierarchy of Centres,</u> or 5. Have significant co-location benefits with existing industrial activities or research activities in an Industrial Zone. <p><i>When these activities are not avoided, they are managed to avoid significant reverse sensitivity issues for industry, including heavy industry that is an existing activity.</i></p>
GIZ-P5 - Existing activities	Support in part	The intent of the policy is supported. However, it should be qualified to ensure the expectation associated with any 'redevelopment' is to improve compatibility with the GIZ.	<p>Amend GIZ-P5 as follows:</p> <p><i>GIZ-P5 Existing activities</i></p> <p><i>Encourage the redevelopment of existing activities that are incompatible with the purpose of the zone <u>in a manner that minimises land use compatibility and reverse sensitivity effects.</u></i></p>
GIZ-P6 Role in network of commercial and industrial areas	Support in part	The policy should be amended to focus on the suitability of activities for the general industrial zone. The current wording suggests the GIZ will be a default location for activities that have not been able to find a suitable site in other locations, without necessarily ensuring the activity proposed will not compromise the role and purpose of the GIZ itself.	<p>Amend GIZ-P6 as follows:</p> <p><i>GIZ-P6 Role in network of commercial and industrial areas</i></p> <p><i>Recognise General Industrial areas as providing for commercial activities that <u>are ancillary to industrial activities or are of a nature an scale that does compromise the role and purpose of the General Industrial Zone</u> can only effectively locate in Industrial areas because of their adverse effects, or co-location benefits with industrial and research activities.</i></p>
GIZ-P9 Urban design outcomes (by meeting standard or assessment)	Support in part	The Fuel Companies support the seeking of good urban design outcomes in the zone but considers that the functional and operational needs of activities, particularly in an industrial zone, are recognised. The Fuel Companies acknowledge the reference to functional and operational needs under GIZ-O4, which it supports, but considers it should also be recognised in the policy which implements it.	<p>Amend GIZ-P9 as follows:</p> <p><i>[...] Where <u>functional and operational needs</u>, specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical. [...]</i></p>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
GIZ-P10 Urban design outcomes (other than industrial activities and research activities)	Support in part	Much of the policy is inappropriate and unnecessary for an industrial zone. Notwithstanding this, it is not opposed, with the exception that: <ul style="list-style-type: none"> - Specific recognition should be provided for the functional and operational needs of industrial activities, in balancing urban design aspirations; and - Outcome 6 should be deleted. It is completely out of context with the generally lower amenity expectations for a light industrial zone. 	<p>Amend GIZ-P10 as follows:</p> <p>[...] Where <u>functional and operational needs</u>, specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical. [...]</p> <p>The outcomes are:</p> <p>1....</p> <p>6. New developments display aesthetic value, by responding to existing buildings, providing interesting contrast to existing buildings, or establishing positive new or evolved architectural themes and traditions, and in doing so positively contribute to place and local identity and community pride, particularly on prominent sites such as corners or terminated vistas.</p>
GIZ-P12 Managing adverse effects at zone interfaces	Oppose in part	The Fuel Companies support the intent of this policy but amendments are required in relation to the managing effects on the Mixed Use Zone. The Mixed Use Zone permits many activities that are not defined as being sensitive to industry; those specifically provided for include light manufacturing and servicing, carparking, offices, supermarkets, and food and beverage. The zone also has “catch all” rules that provide a permitted pathway for any other activity not otherwise provided for. Hence, for the Mixed Use Zone, it would be reasonable to only have regard to “activities sensitive to industry”.	<p>Amend GIZ-P12 as follows:</p> <p>Manage activities to mitigate adverse effects on other zones by:</p> <p>a. Ensuring outdoor work, storage, loading, and parking areas are screened from level view from Residential Zones, Mixed Use Zones (<u>where a site is used for an activity sensitive to industry</u>), Rural Zones, Special Purpose Zones, and Open Space and Recreation Zones, and</p> <p>b. Restricting servicing hours near boundaries with Residential Zones, Mixed Use Zones (<u>where a site is used for an activity sensitive to noise</u>), Marae Zones, and notional boundaries of activities sensitive to noise in Rural Zones.</p>
GIZ-R1 Repair and maintenance of buildings and structures	Support	The Fuel Companies support the intent of this provision and seeks that it is retained as notified.	Retain GIZ-R1 as notified.
GIZ-R2 Demolition or removal of buildings and structures	Support	The Fuel Companies support the intent of this provision and seeks that it is retained as notified.	Retain GIZ-R2 as notified.
GIZ-R3 Construction of new buildings and structures and alterations and additions to existing buildings and structures	Oppose in part	For reasons similar to that identified in the submission on LIZ-R3.	<p>(1) Amend GIZ-R3.1 as follows:</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with:</p> <p>i. GIZ-S1: Height,</p> <p>ii. GIZ-S2: Height in relation to boundary – Adjoining zones,</p> <p>iii. GIZ-S3: Setbacks – Adjoining zones,</p> <p>iv. GIZ-S4: Overlooking – Adjoining zones, <u>and</u></p> <p>v. GIZ-S5: Landscaping and screening, <u>and</u></p> <p>b. The new buildings, the new structures, the alterations, or the additions, are for the purpose of an activity permitted by one or more of rules GIZ-R4 through GIZ-R17, or a heavy industrial activity.</p> <p><u>Except that:</u></p> <p>a. <u>GIZ-S1, GIZ-S2, GIZ-S3 and GIZ-S5 do not apply to alterations to existing buildings and structures.</u></p> <p>b. <u>GIZ-S5 does not apply to new buildings or structures, or additions to existing buildings and structures, with a gross floor area up to 50m².</u></p> <p>OR, if (1) is not made:</p> <p>(2) Amend GIZ-R3 so that GIZ-R3.1 does not apply to service stations.</p>
GIZ-R12 Service stations, including ancillary retail activities	Support in part	The Fuel Companies support the recognition of service stations and ancillary retail as a permitted activity.	Retain GIZ-R12 as notified



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
GIZ-R23 Outdoor storage and work areas	Oppose in part	For reasons similar to that identified in the submission on LIZ-R23.	<p>Amend GIZ-R23 as follows:</p> <p>1. Activity status: <i>Permitted</i></p> <p>Where:</p> <ul style="list-style-type: none"> a. The outdoor storage and work areas are screened from <u>level view of</u> any adjoining site or opposite site in a Rural Zone, Open Space and Recreation Zone, Residential Zone, Marae Zone, or Mixed Use Zone <u>(where a site is used for an activity sensitive to industry)</u> by <u>landscaping</u>, a building or a solid or close-boarded fully opaque fence of at least 1.8 metres in height, and b. Compliance is achieved with LIZ-S5: Landscaping <u>GIZ-S5.1 and GIZ-S5.3.</u> <p>[...]</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> c. Visual amenity from those sites from which the outdoor storage and work areas are required to be screened by condition GIZ-R23.1 or GIZ-S5: Landscaping and screening but are not. d. The urban design outcomes in GIZ-P10: Urban design outcomes (other than industrial activities and research activities), and exclusions in GIZ-P11. e. Any positive effects that can only be achieved through non-compliance with GIZ-R23.1 or GIZ-S5: Landscaping and screening. f. <u>The functional and operational needs of the activity.</u> g. <u>Site constraints that affect the activity's ability to comply with GIZ-R23.1.</u>
GIZ-R24 Servicing	Oppose in part	For reasons similar to that identified in the submission on LIZ-R24.	<p>(1) Amend GIZ-R24 so that GIZ-R24.1 does not apply to service stations.</p> <p>OR, if (1) is not made:</p> <p>(2) Amend GIZ-R24 as follows:</p> <p>1. Activity status: <i>Permitted</i></p> <p>Where:</p> <ul style="list-style-type: none"> a. The servicing is not within 40 metres of a site in a Residential Zone, Mixed Use Zone <u>(where a site used for an activity sensitive to noise)</u>, or Marae Zone, and is not within 40 metres of the notional boundary of an activity sensitive to noise in a Rural Zone, or b. The servicing occurs only between 7:00am and 10:00pm. <p>[...]</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. The nighttime amenity of residential activities and other activities sensitive to noise in the surrounding area in Residential Zones, Mixed Use Zones, and Marae Zones. 2. <u>The functional and operational needs of the activity.</u> 3. <u>Site constraints that affect the activity's ability to comply with GIZ-R24.1.</u> <p>[...]</p>
GIZ-S5 Landscaping and screening	Oppose in part	For reasons similar to that identified in the submission on LIZ-S5.	Amend GIZ-S5 so that it does not apply to service stations.
Part 3: ZONES – Industrial Zones – Heavy Industrial Zone			
General comments – all of chapter		For context, the Fuel Companies have four bulk fuel storage terminals in Seaview, which are located in the Heavy Industrial Zone. The Hutt City fuel transmission wharfline that leads from Point Howard Wharf into each of the four terminals is also located in the Heavy Industry Zone.	Refer to specific submission relief relating to the Heavy Industrial Zone (HIZ).



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
HIZ-O1 Purpose of the zone	Support	The Fuel Companies support the intent of this issue.	Retain HIZ-O1 as notified.
HIZ-O2 Activities in the zone	Support	<p>The Fuel Companies supports the general intent of this objective. However, it is unclear what an 'unreasonable' reverse sensitivity effect is. In the Fuel Companies opinion, all reverse sensitivity effects should be avoided in this zone, noting that the availability of suitable locations for heavy industrial activities to occur is limited and should not be compromised by encroachment of more sensitive activities.</p> <p>It is unclear what the difference is between 'other activities' that support the Heavy Industrial Zone (clause 2) and 'other activities' that are provided for in the Heavy Industrial Zone (clause 3), particularly in the context that clauses a. and c. of both clause 2 and 3 are the same. The Fuel Companies assume this is intended to reflect a formatting rule for the PDP, but would urge the Council to consider consolidating the wording for readability and relevance.</p>	<p>Amend HIZ-O2 as follows.</p> <p><i>HIZ-O2</i></p> <p><i>Activities in the zone</i></p> <p><i>The Heavy Industrial Zone:</i></p> <ol style="list-style-type: none"> <i>Primarily provides for industrial activities and research activities,</i> <i>Is supported by other activities that:</i> <ol style="list-style-type: none"> <i>Are compatible with the purpose, the planned character, and the planned urban environment of the zone,</i> <i>Support the industrial activities and research activities in the zone, including the needs of workers at those activities, and</i> <i>Do not create unreasonable reverse sensitivity effects that constrain the use of the Heavy Industrial Zone for heavy industrial activities, and</i> <i>Provides for other activities that:</i> <ol style="list-style-type: none"> <i>Are compatible with the purpose, the planned character, and the planned urban environment of the zone,</i> <i>Have a functional or operational need to locate in the Heavy Industrial Zone, and</i> <i>Do not create unreasonable reverse sensitivity effects that constrain the use of the Heavy Industrial Zone for heavy industrial activities.</i>
HIZ-O4 Planned character and planned urban built environment of the zone	Support	The Fuel Companies support the intent of this issue.	Retain HIZ-O4 as notified.
HIZ-O6 Adverse effects	Support	The Fuel Companies support the intent of this issue.	Retain HIZ-O6 as notified.
HIZ-P2 Residential activities and other activities sensitive to industry	Oppose	The Fuel Companies are concerned that this policy, as drafted, provides a pathway for residential activities to occur in the Heavy Industry Zone. It is unclear what <i>significant</i> reverse sensitivity issues are in this context. This wording is also inconsistent with the introduction of this chapter which states the need for other activities to 'avoid reverse sensitivity effects' (no reference to significant).	<p>Amend HIZ-P2 as follows:</p> <p><i>Do not allow residential activities and other activities sensitive to industry unless:</i></p> <ol style="list-style-type: none"> <i>They are ancillary to and critical to the functioning of an industrial activity, research activity, or emergency facility, which itself is an existing activity or has a functional <u>need</u> or operational need to be located in the Heavy Industrial Zone, and</i> <i>They are managed to avoid significant reverse sensitivity <u>effects issues that constrain the use of for</u> industry, including heavy industrial activities.</i>
HIZ-P3 Other incompatible or potentially incompatible activities	Support	The Fuel Companies are concerned that this policy, as drafted, is not sufficiently directive regarding the need to avoid reverse sensitivity effects. Changes are sought to ensure that there is a clear directive to for other activities to avoid reverse sensitivity effects that constrain the use of heavy industrial activities.	<p>Amend HIZ-P3 as follows:</p> <p><i>Other incompatible or potentially incompatible activities</i></p> <p><i>Avoid activities other than industrial activities or research activities unless they:</i></p> <ol style="list-style-type: none"> <i>Are ancillary to an industrial or research activity and support the purpose of the zone, or</i> <i>Primarily serve the immediate area within the zone and support industrial activities or research activities (including by providing services useful for workers and visitors), or</i> <i>Have similar effects and requirements to industrial activities, or</i> <i>Have significant co-location benefits with existing industrial activities or research activities in the Heavy Industrial Zone, or</i> <i>Have a functional need or operational need to locate in the Heavy Industrial Zone.</i> <i><u>Avoid reverse sensitivity effects that constrain the use of industry, including heavy industrial activities.</u></i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
			When these activities are not avoided, they are managed to avoid significant reverse sensitivity issues for industry, including heavy industry.
HIZ-P5 Role in network of commercial and industrial areas	Oppose	Heavy Industrial Zone land is a scarce resource and should only be available for activities that are compatible with the industrial uses the zone is intended to provide for. The inability to find an available site for an activity in an alternative zone is irrelevant. The policy is unnecessary and should be deleted.	Delete HIZ-P5 as follows: HIZ-P5 Role in network of commercial and industrial areas Recognise special circumstances where land uses may not be suitable in any other zone but are compatible with the intended purpose and character of the Heavy Industrial Zone.
HIZ-P6 Support of centres hierarchy	Oppose	HIZ-P6 is unnecessary. Any commercial activity of a scale that could undermine the purpose, viability or vibrancy of the City Centre, Metropolitan or Local Centre Zone, will also be inherently inconsistent with the integrity of the Heavy Industry Zone. The focus of the Heavy Industry Zone policies should be on enabling activities appropriate to the Heavy Industry Zone, which by their nature will only be able to establish in a limited number of locations, and ensuring the integrity of the zone is not undermined by encroachment of incompatible activities.	Delete HIZ-P6 as follows: HIZ-P6 Support of centres hierarchy Manage the scale and location of commercial activities to avoid negative impacts on the intended purpose, viability, vibrancy, and co-location benefits of centres in the City Centre Zone, Metropolitan Centre Zone, and Local Centre Zone.
HIZ-P9 Urban design outcomes (other than industrial activities and research activities)	Support in part	The Fuel Companies support the intent of this issue but consider that the urban design outcomes sought in HIZ-P9 should also highlight the importance of incorporating measures in built development design to mitigate potential reverse sensitivity issues. This could include for example orientating windows or outdoor areas away from areas exposed to hazardous substance risk.	Amend HIZ-P9 as follows: <i>Built development for activities other than industrial activities and research activities, over an identified threshold of scale, is managed to achieve the outcomes in this policy through an approach demonstrated in a resource consent.</i> <i>Where specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical.</i> <i>The outcomes are:</i> [...] 8. <u>Ensure development is protected from potential reverse sensitivity effects associated with heavy industrial activities.</u>
HIZ-P11 Managing adverse effects at zone interfaces	Support	The Fuel Companies acknowledge the need to manage land use compatibility issues at zone interfaces. However, the Mixed Use Zone permits many activities that are not sensitive to industrial activities. Those specifically provided for include light manufacturing and servicing, carparking, offices, supermarkets, and food and beverage. The zone also has “catch all” rules that provide a permitted pathway for any other activity not otherwise provided for. On that basis, for the Mixed Use Zone, it would be reasonable to only have regard to “activities sensitive to industry”.	Amend HIZ-P11 as follows. <i>HIZ-P11 Managing adverse effects at zone interfaces</i> <i>Manage activities to mitigate adverse effects on other zones by:</i> <ol style="list-style-type: none"><i>Ensuring outdoor work, storage, loading, and parking areas are screened from level view from Residential Zones, Mixed Use Zones (where a site is used for an activity sensitive to industry), Rural Zones, Special Purpose Zones, and Open Space and Recreation Zones, and</i><i>Restricting servicing hours near boundaries with Residential Zones, Mixed Use Zones (where a site is used for an activity sensitive to noise), Marae Zones, and notional boundaries of activities sensitive to noise in Rural Zones.</i>
HIZ-R1 Repair and maintenance of buildings and structures	Support	The Fuel Companies support this rule.	Retain HIZ-R1 as notified.
HIZ-R2 Demolition or removal of buildings and structures	Support	The Fuel Companies support this rule.	Retain HIZ-R2 as notified.
HIZ-R3 Construction of new buildings and structures and alterations and additions to existing buildings and structures	Support in part	The Fuel Companies support the intent of this rule but seek amendments to clause (c) so that these are easier to interpret. The drafting of clauses (c)(i) and (c)(ii) indicates that they are supposed to be read as the same sentence (which we assume is Council’s intent) but for some reason they are split into two clauses. For instance, “that adjacent site” in a clause on its own does not make sense without any context. Further, the Fuel Companies seek to clarify that (c) does not apply in situations where there is a road between the site boundary and a site in one of the other listed zones. An additional matter of discretion is also sought to address how the built design of a building mitigates potential reverse sensitivity effects.	Amend HIZ-R3 as follows: <i>Construction of new buildings and structures and alterations and additions to existing buildings and structures</i> 1. Activity status: Permitted <i>Where:</i> <ol style="list-style-type: none"><i>Compliance is achieved with:</i><ol style="list-style-type: none"><i>HIZ-S1: Height,</i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
			<p>ii. HIZ-S2: Height in relation to boundary - Adjoining zones,</p> <p>iii. HIZ-S3: Height in relation to boundary - Owhiti Urupā,</p> <p>iv. HIZ-S4: Setbacks - Adjoining zones,</p> <p>v. HIZ-S5: Setbacks - Owhiti Urupā,</p> <p>vi. HIZ-S6: Overlooking - Adjoining zones, and</p> <p>vii. HIZ-S7: Landscaping - Main through routes,</p> <p>b. The new building, the alterations, or the additions, are for the purpose of an activity permitted by one or more of rules HIZ-R4 through HIZ-R16, or a heavy industrial activity, and</p> <p>c. Either: If the site <u>shares a boundary with is not adjacent to</u> a site in the Marae Zone, Mixed Use Zone, Open Space and Recreation Zone, Residential Zone, or Rural Zone, or the <u>new buildings, additions, and alterations are all screened from that adjacent site by existing buildings, and structures or landscaping.</u></p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with HIZ-R3.1.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion in any standards not met.</p> <p>2. If HIZ-R3.1.b is not met, the urban design matters in HIZ-P9: Urban design outcomes (other than industrial activities and research activities).</p> <p>3. If HIZ-R3.1.b is not met, the impact of the design of the building and any associated subdivision on the long-term development capacity of the zone for industrial purposes, including the expected lifespan of the building and the ability of the building to be converted to industrial use.</p> <p>4. If HIZ-R3.1.c is not met, privacy and visual amenity on the relevant adjoining site.</p> <p>5. <u>Management of residual risk effects and reverse sensitivity effects associated with nearby significant hazardous facilities and the Hutt City fuel transmission pipeline, including through building design and layout.</u></p>
HIZ-R4 Industrial activities, other than heavy industrial activities	Support	The Fuel Companies support this rule.	Retain HIZ-R4 as notified.
HIZ-R10 Grocery stores and supermarkets	Support	The Fuel Companies support this rule.	Retain HIZ-R10 as notified.
HIZ-R11 Food and beverage activities	Support	The Fuel Companies support this rule.	Retain HIZ-R11 as notified.
HIZ-R12 Service stations, including ancillary retail	Support in part	The Fuel Companies support the provision of a permitted activity pathway for service stations subject to compliance with the ancillary retail GFA limit of 100m ² .	Retain HIZ-R12 as notified.
HIZ-R17 Heavy industrial activities	Oppose	The Fuel Companies do not consider that it is appropriate to set a restricted discretionary activity status for heavy industrial activities in the Heavy Industrial Zone. The very purpose of the zone is to enable heavy industrial activities. Setting an automatic consenting requirement for heavy industrial activities, whilst simultaneously providing a permitted pathway for a range of other activities, could undermine existing activities occurring in the Heavy Industrial Zone. For example, if heavy industrial activities are discouraged and more sensitive activities are enabled, establishment of the latter could cumulatively pose reverse sensitivity effects that could compromise existing heavy industrial activities. If Council has concerns regarding specific aspects of heavy industrial activities, this can be expressed through standards rather than setting an automatic consenting requirement.	<p>Amend HIZ-R17 to provide a permitted pathway for heavy industrial activities in the Heavy Industrial Zone. This could be achieved through amendments as follows:</p> <p>1. Activity status: Restricted-discretionary <u>Permitted</u></p> <p>Matters of discretion are restricted to:</p> <p>1. Amenity values outside the Industrial Zones.</p> <p>2. Health and safety beyond the site.</p> <p>3. The management of dust and odour.</p>
HIZ-R18 Commercial recreation activities	Support	The Fuel Companies support this rule.	Retain HIZ-R18 as notified.



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
HIZ-R19 Early childhood education activities	Support	The Fuel Companies support this rule.	Retain HIZ-R19 as notified.
HIZ-R20 Residential activities	Support	The Fuel Companies support this rule.	Retain HIZ-R20 as notified.
HIZ-R22 Outdoor storage and work areas	Oppose	<p>The Fuel Companies support the principal of screening rubbish / servicing areas, but are opposed to this rule for the following reasons:</p> <ul style="list-style-type: none"> - It is unclear what is meant by 'outdoor storage and work areas', as this / these terms are not defined, nor does there appear to be any explanation in the s32 reporting. It is unclear, for instance, whether outdoor storage areas include any parts of sites where there is any element of outdoor storage. Similarly, work areas could include any parts of sites where workers are present. - The requirement for screening of these areas from the listed zones where these are 'adjoining' the boundary is not opposed, however requiring screening where 'opposite' the listed zones is not supported as this is inconsistent with other provisions in the chapter which only apply in relation to where the boundary adjoins a zone (height in relation to boundary, landscaping standards). In circumstances where the site is 'opposite' another zone, there will be a road which provides appropriate and effective screening, noting the Heavy Industrial Zone context. - The requirements for 'screening' are overly prescriptive. In some instances, a site will already be screened from adjoining or opposite sites, without the need to have buildings or fencing in place. For example, the Open Space Zone (comprising bush / vegetation) is located on the opposite side of Seaview Road to the Mobil Seaview Terminal. 'Screening' of views to the Mobil site is already provided by way of the vegetation in the Open Space Zone site, the road in between, and street trees. 	<p>(1) Amend IZ-R22 to clarify what is meant by "outdoor storage and work areas" and remove the overly prescriptive requirements for screening. This can be achieved as follows:</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <ul style="list-style-type: none"> a. The outdoor storage and work areas are screened from any <u>boundary</u> adjoining <u>a site</u> or opposite site in a Rural Zone, Open Space and Recreation Zone, Residential Zone, Marae Zone, or Mixed Use Zone <u>(where a site is used for an activity sensitive to industry)</u>, by a building or a solid or close-boarded fully opaque fence of at least 1.8m in height above ground level, and b. Compliance is achieved with HIZ-S7: Landscaping. <p><i>Matters of discretion are restricted to:</i></p> <ul style="list-style-type: none"> a. Visual amenity from those sites from which the outdoor storage and work areas are required to be screened by condition HIZ-R22.1 or HIZ-S7: Landscaping but are not. b. The urban design outcomes in HIZ-P9: Urban design outcomes (other than industrial activities and research activities). c. Any positive effects that can only be achieved through non-compliance with HIZ-R21.1 or HIZ-S7: Landscaping. d. <u>The functional and operational needs of the activity.</u> e. <u>Site constraints that affect the activity's ability to comply with HIZ-R22.1.</u> <p>AND</p> <p>(2) Insert a new definition of "outdoor storage and work areas".</p>
HIZ-R23 Servicing	Oppose	<p>The Fuel Companies are opposed to this rule. As drafted, the rule limits servicing irrespective of adjoining zoning, thereby unnecessarily restricting night-time servicing at sites that are not close to any sensitive zones. It is also inconsistent with Policy HIZ-P11 which seeks to restrict servicing hours but only where these are near the boundaries with Residential Zones, Mixed Use Zones, Marae Zones, and notional boundaries of activities sensitive to noise in Rural Zones. Finally, the restriction of all servicing is inconsistent with the matter of discretion for HIZ-R23 which refers specifically to night-time amenity of sensitive receivers.</p> <p>Fuel deliveries commonly occur during the night-time at service stations, as this is when there are fewer people refuelling at service stations making it safer from a traffic perspective. In the Fuel Companies experience, deliveries pose limited disruption from an amenity perspective, given that delivery points are typically setback from boundaries and a landscaping buffer will often sit along the boundaries, particularly when adjoining residential or other sensitive activities. For this reason, a 40m setback is considered to be unnecessarily onerous.</p>	<p>Amend Rule HIZ-R23 as follows:</p> <p><i>Servicing</i></p> <p>1. <i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p>a. The servicing is not within 40 metres of a <u>For sites adjoining a site</u> in a Residential Zone, Mixed Use Zone <u>(where the site is used for an activity sensitive to noise)</u>, or Marae Zone, or the notional boundaries of activities sensitive to noise in Rural Zones b. The servicing occurs only between 7:00am and 10:00pm.</p>
Part 3: ZONES – Special Purpose Zones – Seaview Marina Zone			
General comments – all of chapter		For context, the Fuel Companies have four bulk fuel storage terminals in Seaview, which are located in the Heavy Industrial Zone. The Significant Hazardous Facility Risk Management Overlay, which is based on quantitative risk assessment (QRA) work undertaken in relation to the Terminals, encompasses most of the Seaview Marina Precinct. The Hutt City fuel transmission pipeline that leads from Point Howard Wharf into each of the four terminals runs is also located in close proximity to the Seaview Marina Precinct,	Refer to specific submission relief relating to the Seaview Marina Zone (SMZ).



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		including a proposed section of the pipeline that is scheduled to undergo construction very soon	
Chapter Introduction	Support	The Fuel Companies support the intent of the introduction to the Seaview Marina Zone chapter. It recognises the importance of ensuring that activities occurring in the marina are appropriate in terms of managing effects associated with reverse sensitivity and hazardous substance risks, in acknowledgement of the proximity of its proximity to the bulk fuel storage terminals and fuel transmission pipeline in Seaview.	Retain the Seaview Marina Zone chapter introduction as notified.
SMZ-O1 Purpose of the zone	Support in part	<p>The Fuel Companies support the general intent to ensure that potential reverse sensitivity effects are avoided in the Seaview Marina Zone given its proximity to the fuel terminals (including the Mobil Seaview Terminal opposite) and the Hutt City fuel transmission pipeline. However, amendments are sought to ensure that reverse sensitivity is a consideration for <i>all</i> activities (not just <i>other</i> activities) in the Seaview Marina, including marina activities.</p> <p>It is somewhat unclear what a 'significant' reverse sensitivity effect is. The Fuel Companies consider all reverse sensitivity effects should be avoided, not just 'significant' reverse sensitivity effects, particularly in relation to the Fuel Companies' regionally significant fuel storage terminals and the Hutt City fuel transmission pipeline. To address this, and to ensure consistency with the language used in the Introduction of the chapter which states the need to 'avoid' reverse sensitivity effects, an amendment is sought.</p> <p>It is also noted that the Seaview Marina only adjoins the Heavy Industrial Zone and not the General Industrial Zone. On this basis, reference to avoiding reverse sensitivity effects on the General Industrial Zone could be deleted.</p>	<p>Amend SMZ-O1 as follows:</p> <p><i>The Seaview Marina area is used primarily to provide for the needs of marina activities, and The area also provides for other compatible activities that support this role, or do not interfere with the primary purpose, including industrial activities, commercial activities, or community activities, <u>where they that:</u></i></p> <ol style="list-style-type: none"> <i>Do not undermine the purpose of the Local Centre Zone, Metropolitan Centre Zone, or City Centre Zone, and</i> <i>Do not present significant <u>Avoid</u> reverse sensitivity effects <u>that could compromise on</u> industrial activities, including heavy industrial activities, in the Heavy Industrial Zone and General Industrial Zone.</i>
SMZ-O2 Activities in the zone	Support in part	<p>As per Objective SMZ-O1, the Fuel Companies seek that Objective SMZ-O2 is amended to ensure that the need to consider reverse sensitivity effects in relation to all activities occurring in the marina.</p> <p>The current wording of clause (3)(c) ('excessive reverse sensitivity issues') is somewhat confusing because if there are issues with reverse sensitivity that is already problematic; use of the word 'excessive' in this context is therefore redundant. A change is also sought to ensure that the language regarding reverse sensitivity considerations is clearer and reflects that in the Introduction section where it talks about 'avoiding' reverse sensitivity effects.</p> <p>A minor amendment is also sought to clarify the need to avoid reverse sensitivity effects associated with heavy industrial activities (which is a defined term).</p>	<p>Amend SMZ-O2 as follows:</p> <p><i>The Seaview Marina Zone:</i></p> <ol style="list-style-type: none"> <i>Primarily provides for marina activities,</i> <i>Provides for other activities provided for in industrial zones, such as industrial activities, research activities, emergency facilities and trade and industrial training activities,</i> <i>Is supported by other activities that:</i> <ol style="list-style-type: none"> <i>Are compatible with the purpose, the planned character, and the planned urban environment of the zone,</i> <i>Do not undermine the role of commercial centres, and</i> <i><u>Avoid</u> Do not create unreasonable or excessive reverse sensitivity issues effects that could compromise for industrial activities in the Heavy Industrial Zone, and</i> <i>Is not intended to provide for:</i> <ol style="list-style-type: none"> <i>Standalone residential activities that do not support an industrial activity, research activity, or emergency facility, or</i> <i>Activities (other than marina activities) that would be a city-wide or regional destination for significant numbers of visitors, or</i> <i>Heavy industrial activities.</i>
SMZ-P1 Enabled activities	Support	The Fuel Companies support the intent of this policy, including the direction to ensure that activities manage reverse sensitivity effects associated with existing and potential activities in the Heavy Industrial Zone. As above, it is noted that the Seaview Marina only adjoins the Heavy Industrial Zone and not the General Industrial Zone. On this basis, reference to managing reverse sensitivity effects on the General Industrial Zone could be deleted.	<p>Amend SMZ-P1 as follows.</p> <p><i>SMZ-P1 Enabled activities</i></p> <p><i>Enable:</i></p> <ol style="list-style-type: none"> <i>Marina activities,</i> <i>Activities that support marina activities,</i> <i>Industrial activities,</i> <i>Research activities,</i> <i>Emergency facilities,</i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
			<p>6. <i>Trade and industrial training facilities, and</i></p> <p>7. <i>Commercial activities that do not undermine the purpose, vitality, vibrancy, and co-location benefits,</i></p> <p><i>while managing the reverse sensitivity effects of those on existing and potential activities in the General Industrial Zone and Heavy Industrial Zone.</i></p>
SMZ-P2 Residential activities and sensitive activities not related to the Seaview Marina	Oppose	<p>The Fuel Companies are concerned that Policy SMZ-P2, which provides a pathway for residential activities and other sensitive activities to occur as long as reverse sensitivity effects are 'minimised', would enable any range of activities to occur in close proximity to bulk fuel storage terminals and the industry wharfline. The establishment of residential and other sensitive activities in the marina would lead to reverse sensitivity issues which could significantly constrain operation of the fuel terminals and industry wharfline. The use of the word 'minimise' without any context or explanation is not helpful in this regard. An amendment is sought to ensure that the language is more directive and better articulates what is needing to be achieved with regards to reverse sensitivity effects.</p> <p>A minor amendment is also sought to clarify the need to avoid reverse sensitivity effects associated with heavy industrial activities (which is a defined term).</p>	<p>Amend SMZ-P2 as follows:</p> <p><i>Avoid residential activities and other new sensitive activities not associated with the Seaview Marina unless they are:</i></p> <ol style="list-style-type: none"> <i>1. Ancillary to and support an industrial activity, research activity, or emergency facility,</i> <i>2. Managed so that they do not adversely impact the long-term development capacity of the zone for marina development, including through managing the design of new buildings, and</i> <i>3. <u>Designed, located and m</u>Managed to <u>avoid minimise</u> reverse sensitivity effects <u>that could compromise for</u> industry, including existing and enabled heavy industry<u>ial activities</u>.</i>
SMZ-P3 Residential activities and sensitive activities not related to the Seaview Marina	Support	<p>The Fuel Companies support the intent of this policy which seeks to avoid residential and sensitive activities where these are related to the Seaview Marina, unless they are managed to minimise reverse sensitivity effects for heavy industry. As per previous submission points, the Fuel Companies consider an avoidance approach should be adopted, rather than 'minimise' as this provides clearer direction around what needs to be achieved with regards to reverse sensitivity effects.</p>	<p>Amend SMZ-P3 as follows.</p> <p><i>Avoid:</i></p> <ol style="list-style-type: none"> <i>1. Residential activities and other new sensitive activities associated with the Seaview Marina and</i> <i>2. Activities that primarily support or are ancillary to residential activities or other sensitive activities in the coastal marine area,</i> <p><i>unless they are:</i></p> <ol style="list-style-type: none"> <i>1. Ancillary to and support an industrial activity, research activity, or emergency facility,</i> <i>2. Managed so that they do not adversely impact the long-term development capacity of the zone for marina development, including through managing the design of new buildings, and</i> <i>3. <u>Designed, located and m</u>Managed to <u>avoid minimise</u> reverse sensitivity effects <u>that could compromise for</u> industry, including existing and enabled heavy industry<u>ial activities</u>.</i>
SMZ-P5 Reverse sensitivity	Support in part	<p>The Fuel Companies support the intent of this policy. However, the reference to 'other activities' without context is ambiguous, noting that it is not a defined term. All activities need to be managed to avoid unacceptable reverse sensitivity effects, rather than just 'other' activities.</p>	<p>Amend SMZ-P5 as follows:</p> <p><i>Avoid any other activities that present significant and inadequately managed reverse sensitivity issues effects that could compromise for industry, including existing and enabled heavy industry<u>ial activities</u>.</i></p>
SMZ-P6 Existing activities	Support	<p>The Fuel Companies support the intent to provide for the ongoing operation of existing activities in the Seaview Marina. The QRA work undertaken to date effectively demonstrates that the fuel terminals pose a level of risk that is acceptable for the existing land use activities occurring in the Seaview Marina.</p>	<p>Retain SMZ-P6 as notified.</p>
SMZ-R3 Construction of new buildings and structures and alterations and additions to existing buildings and structures	Support in part	<p>The Fuel Companies support the intent of the rule but seek that the matters of discretion include consideration of reverse sensitivity effects. Built form can play an important role in mitigating reverse sensitivity effects; for example, orienting windows or outdoor areas away from industrial activities.</p>	<p>Amend SMZ-R3 as follows:</p> <p><i>1. Activity status: Permitted</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>a. Compliance is achieved with:</i> <ol style="list-style-type: none"> <i>a. SMZ-S1: Height,</i> <i>b. SMZ-S2: Height in relation to boundary – Seaview Beach Reserve,</i> <i>c. SMZ-S3: Setbacks – Seaview Beach Reserve, and</i> <i>d. SMZ-S4: Landscaping and screening,</i> <i>b. The new buildings, new structures, the alterations, or the additions, are for the purpose of an activity permitted by one or more of rules SMZ-R4 through SMZ-R22, and</i>



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			<p>c. The new building, or resulting building after additions and alterations, has a gross floor area of no more than 500m², or the gross floor area is not increased.</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SMZ-R3.1.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The matters of discretion in any standards not met. If SMZ-R3.1b or c are not met: the urban design matters in SMZ-P9: Urban design outcomes (other than small-scale primary activities in the zone), and exclusions in SMZ-P10: Urban design outcomes (exclusions). If SMZ-R3.1b is not met: the impact of the design of the building and any associated subdivision on the long-term development capacity of the zone for marina, industrial, research, and supporting purposes, including the expected lifespan of the building and the ability of the building to be converted to marina or industrial use. <u>Management of residual risk effects and reverse sensitivity effects associated with nearby significant hazardous facilities and the Hutt City fuel transmission pipeline, including through building design and layout.</u>
SMZ-R4 Marina activities	Support in part	The Fuel Companies support the general intent to permit 'marina activities' but seek that this term is defined for improved clarity. Without a definition, there is concern that marina activity could refer to a wide range of activities including some which could result in inappropriate reverse sensitivity issues in relation to the nearby fuel terminals.	<p>(1) Retain SMZ-R4 as notified.</p> <p>AND</p> <p>(2) Insert a new definition of "marina activity".</p>
SMZ-R8 SMZ-R11 SMZ-R12 SMZ-R14 SMZ-R15 SMZ-R16 SMZ-R18 SMZ-R19 SMZ-R20	Oppose	<p>It is important that land use development in the Seaview Marina is carefully managed, having regard to its proximity to the Mobil Seaview Terminal, Hutt City fuel transmission pipeline runs immediately outside the marina, down Port Road, and the presence of heavy industrial activities in Seaview including the four bulk fuel terminals. More than half the SMZ sits within the sensitive risk contours associated with the Mobil Seaview terminal and Hutt City fuel transmission pipeline.</p> <p>As a result, there is a risk that these existing activities are constrained by reverse sensitivity effects associated with future activities occurring in the Seaview Marina. This is acknowledged in the s32 report, which states that: <i>Reverse sensitivity issues for heavy industrial activities are a serious issue and sensitive activities have significant potential to constrain operations of Seaview's various oil terminals in particular.</i></p> <p>The Fuel Companies are not opposed to marina related activities occurring in the marina where these are appropriately managed, but are concerned that enabling a permitted pathway for a wide range of activities here could result in reverse sensitivity effects which constrain their existing activities. For example, the provisions would provide for a number of bars, restaurants, small offices, food and beverage stores, retail, to occur within a very small footprint. On their own, these activities may be acceptable, however cumulatively they could attract large numbers of people to a location within and adjacent to the modelled risk overlays. This may affect broader measures of risk, such as societal risk and run counter to qualitative risk management principles of avoiding avoidable risk. This may also result in reverse sensitivity effects which could constrain the ability of the fuel terminals to safely operate.</p> <p>Further, many of these permitted activities do not appear consistent with the purpose of the zone which is to enable continued operation of the marina and other compatible activities subject to management of reverse sensitivity and hazardous substances risks. Available land in the Seaview Marina is limited. It is not a given that activities such as supermarkets,</p>	<p>(1) Amend the activity status from permitted to restricted discretionary activity for the following activities, which provide for a diversity of activities that could, collectively, undermine the purpose of the zone to provide for marine related activities and / or result in unacceptable reverse sensitivity effects:</p> <ul style="list-style-type: none"> SMZ-R8 Motor vehicle servicing activities SMZ-R11 Grocery stores and supermarkets SMZ-R12 Food and beverage activities SMZ-R14 Recreation activities SMZ-R15 Yard-based retailing SMZ-R16 Trade supply retail activities SMZ-R18 Community facilities SMZ-R19 Commercial activities not otherwise provided for SMZ-R20 Other activities not otherwise provided for <p>AND</p> <p>(2) Insert the following matters of discretion for each rule:</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>The matters in:</u> <ol style="list-style-type: none"> <u>SMZ-P4: Role in network of commercial and industrial areas.</u>



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		<p>grocery stores, food and beverage outlets, yard-based retailing are (a) 'compatible' with marina activities, (b) appropriate in terms of reverse sensitivity and hazardous substance related risks; or (c) will not undermine the integrity of marina zone by introducing a diversity of non-marine related activities. In order to determine this, these activities should be subject to a consenting pathway.</p> <p>That will ensure appropriate consideration can be given to protecting the integrity of the SMZ as well as avoiding the creation of unacceptable levels of risk or reverse sensitivity effects associated with the neighbouring bulk fuel storage terminals and associated wharflines.</p> <p>As set about above, permitting such a wide range of activities is inconsistent with the purpose of the zone and does not adequately account for potential reverse sensitivity and risk issues associated with the nearby heavy industrial activities.</p> <p>If it is considered that these activities are appropriate from a reverse sensitivity and risk management perspective such that they warrant a permitted activity pathway without any requirement to address potential reverse sensitivity effects, this needs to be demonstrated through robust s32 analysis. This has not been undertaken to date.</p>	<p><u>b. SMZ-P5: Reverse sensitivity.</u></p> <p><u>c. SMZ-P6: Existing activities, and</u></p> <p><u>d. SMZ-P7: Development capacity.</u></p> <p>2. <u>The urban design matters in SMZ-P9: Urban design outcomes (other than small-scale primary activities in the zone), and exclusions in SMZ-P10: Urban design outcomes (exclusions).</u></p> <p>3. <u>Management of residual risk effects and reverse sensitivity effects associated with nearby significant hazardous facilities and the Hutt City fuel transmission pipeline, including through building design and layout.</u></p> <p>4. <u>Any legal, economic, and physical obstacles to repurposing the site for marina or industrial activity in the future.</u></p> <p>OR</p> <p>(3) Alternatively, delete rules SMZ-R11, R12, R14, R15, R16, R18, R19 and R20 and introduce a new rule(s) and associated definition(s) that require activities of the type referenced in rules SMZ-R11, R12, R14, R15, R16, R18, R19 and R20, to be associated specifically with marine activities.</p>
Part 4: SCHEDULES – SCHED6 - Sites and Areas of Significance to Māori			
SASM-P4 Category 2 Sites and Areas of Significance to Māori	Support	A number of the Fuel Companies' sites are located within areas subject to Category 2 Sites and Areas of Significance to Māori. The Fuel Companies support this policy, as it recognises that where works are occurring at a site that has already been affected by development, it may not be possible to 'avoid' adverse cultural effects and that it is necessary in these instances to either remedy or mitigate adverse cultural effects. For example, if a cultural item has already been damaged through prior development, it will be important to implement appropriate protocols to minimise, as far as possible, any further damage from occurring.	Retain SASM-P4 as notified.
SASM-P9 Use and development that protects spiritual and cultural values	Oppose in part	<p>The Fuel Companies support the general intent of Policy SASM-P9 but have the following concerns:</p> <ul style="list-style-type: none"> The policy does not recognise that some sites and areas of significance to Māori may already be affected by development that is of regional significance (such as the NZOSL Hutt City fuel Terminal) and that such activities may have specific operational and functional needs (including in terms of maintenance, upgrade and/or expansion) that limit their ability to completely avoid adverse effects. The chapeau of the policy refers only to certain activities ('maintenance, repair, alterations, construction and modification'), and does not comment on other activities such as 'additions', replacement, upgrades etc. For clarity, it could simply refer to 'use and development', per the title of the policy. Clause 2 refers to the values identified in SCHED6 – Sites and Areas of Significance to Māori. The Fuel Companies do not have a concern regard being given to this matters but consider that it somewhat duplicates clause 3 relating to the potential adverse effects on the values of the site or area of significance to Māori. 	<p>Amend SASM-P9 as follows:</p> <p><i>Provide for maintenance, repair, alterations, construction and modification <u>use and development</u> within sites and areas of significance to Māori where it is demonstrated that the spiritual and cultural values of the site are protected, having regard to:</i></p> <ol style="list-style-type: none"> <i>Whether tangata whenua have been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation.</i> <i>Whether a cultural impact assessment has been undertaken and whether the proposal is consistent with the values identified in SCHED6 – Sites and Areas of Significance to Māori.</i> <i>The potential adverse effects on the values of the site or area of significance to Māori, and the relationship of tangata whenua with the site or area, including:</i> <ol style="list-style-type: none"> <i>Loss of cultural values through modification of the landscape,</i> <i>Damage to the integrity of the site or area through disturbance of land or indigenous vegetation,</i> <i>Adverse effects on the mauri of water bodies, and</i> <i>Reduction in the extent and quality of mahinga kai.</i> <i>Any loss of access to the site or area of significance to Māori for customary activities.</i> <i>Any opportunities to maintain or enhance the ability for tangata whenua to access and use the site or area of significance to Māori.</i> <i>Where the activity will remove indigenous vegetation, the nature of any effects on mahinga kai and other customary uses.</i> <i>The effects on sites or areas where there is the potential for kōiwi or artefacts to be found, including:</i>



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
			<p>a. <i>Consideration of the need manage potential adverse effects through an accidental discovery protocol, and</i></p> <p>b. <i>Whether any particular requirements as part of an accidental discovery protocol, such as the presence of a cultural monitor, have been identified as an outcome of consultation with tangata whenua.</i></p> <p>8. <i>Whether there are alternative methods, locations or designs that would avoid remedy or mitigate adverse effects on spiritual or cultural values associated with the site or area.</i></p> <p>9. <i>Whether the proposal provides an opportunity to recognise tangata whenua culture, history and identity including the potential to:</i></p> <p>a. <i>Affirm the connection between tangata whenua and the site or area, or</i></p> <p>b. <i>Enhance the cultural values of the site or area.</i></p> <p>10. <u>The operational need or functional need for the activity to locate on a site or area of significance to Māori.</u></p>
SASM-R2 Land disturbance within a Site or Area of Significance to Māori	Support	The Fuel Companies support Rule SASM-R2 as notified.	Retain SASM-R2 as notified.
SASM-R3 Maintenance and repair of a building or structure within a Site or Area of Significance to Māori	Support	The Fuel Companies support Rule SASM-R3 as notified.	Retain SASM-R3 as notified.
SASM-R4 Additions, alterations or new buildings or structures within a Site or Area of Significance to Māori	Support in part	The Fuel Companies support the intent of SASM-R4. However, changes are needed in clauses (a) to (c) as it implies that all clauses need to be met to be a permitted activity. In particular, there are potential tensions between clause (a) for additions/alterations for residential activities, and clause (c) for additions/alterations in industrial/commercial zones (non-residential zones). Also, it is unclear why for additions/alterations under clause (c) is limited to specific zones, while new buildings/structures under clause (b) apply to any zone. Therefore, reference to the zones in clause (c) should be deleted.	<p>Amend SASM-R4 as follows:</p> <p>SASM Category 1</p> <p>SASM Category 2</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The additions and or alterations are for an existing residential activity, <u>or</u></p> <p>b. The new building or structure is less than 200m², and or</p> <p>c. The addition or alteration to a building or structure are within an industrial/commercial zone and are is less than 200m².</p>
SASM-R5 Demolition or removal of buildings and structures within a Category 1, 2 or 3 site or area of significance to Māori	Support	The Fuel Companies support Rule SASM-R5 as notified.	Retain SASM-R5 as notified.
Part 4: MAPS - Mapping			
Hazardous Substances Risk Management Overlay Contour Mapping	Oppose in part	<p><i>For context, all four bulk fuel storage terminals in Seaview have Quantitative Risk Assessments (QRAs) in place. The QRAs are industry recognised documents¹ are industry recognised documents which have been prepared in accordance with the New South Wales risk acceptance criteria (Hazardous Industry Planning Advisory Paper (HIPAP) No 4 Risk Criteria for Land Use Safety Planning).² All of the QRAs were submitted to Council at draft district plan consultation stage and informed the mapping of the Risk Management Overlay.</i></p> <p>The Fuel Companies support Councils' approach to introducing a Hazardous Substances Risk Management Overlay to establish a framework for managing residual risk to surrounding land uses, associated with the four bulk fuel storage terminals in Seaview.</p>	Amend the Hazardous Substance Risk Management Overlay mapping so that it is based on the sensitive land use criteria risk contours (1 x 10 ⁻⁶) as opposed to the residential land use criteria risk contours (1 x 10 ⁻⁶). The sensitive land use contours are shown in Attachment A .

¹ The Z Seaview Terminal, Mobil Seaview Terminal, and NZOSL Hutt City Terminal QRAs were prepared by Sherpa, and the bp Seaview Terminal QRA was prepared by Lloyds. Both are reputable consultants that have experience working on risk matters in relation to fuel terminals in New Zealand. The bp Seaview Terminal QRA has gone through a resource consent process, and so has been reviewed by Council.

² There are currently no specific NZ risk acceptance standards and the HIPAP criteria have been used in many other New Zealand jurisdictions.



Provision	Position	Reason for this submission	Relief sought by this submission (deletions in red strikethrough and additions in <u>red underline</u>)
		<p>However, the Fuel Companies are opposed to Council's current approach to mapping this overlay based on the residential land use criteria risk contours (1×10^{-6}) only and not the sensitive land use criteria risk contours (0.5×10^{-6}), which extend out beyond the residential activity contour.</p> <p>Council's current overlay mapping effectively means that there is a 'void' space between the sensitive and residential contours where sensitive activities such as hospitals, childcare facilities, aged care facilities, are not managed via the Hazardous Substance Risk Management Overlay provisions and would default to the zone provisions. This could lead to sensitive activities establishing in the area between the sensitive activity contour (0.5×10^{-6}) and the residential activity contour (1×10^{-6}), in a location where they would be subject to unacceptable levels of risk.</p> <p>This is inconsistent with the QRAs, inappropriate from a risk management perspective and could result in constraints on the management of the Terminals due to proximity of sensitive activities.</p> <p>It is unclear why the Council has chosen to base the Risk Management Overlay on the 1×10^{-6} contour and not the broader 0.5×10^{-6} contour, despite the Fuel Companies having drawn this to the attention of Council during engagement on draft versions of the PDP.</p> <p>The Fuel Companies take all reasonable steps to manage and internalise risk within the Terminal sites, (including adherence to all relevant legislative requirements, industry good practice and maintenance of robust safety and risk management practices).</p> <p>Notwithstanding this, there is an inherent risk associated with the storage and handling of bulk hydrocarbons, which extends beyond the boundaries of the Terminal sites.</p> <p>District Councils play a critical role in managing risk associated with MHF's given their ability to manage the nature of landuse occurring on sites in close proximity to MHFs. This is reinforced by Clause 36(2) HSWA, which requires that local authorities (in their role as a PCBU or person conducting a business or undertaking) have a primary duty of care to ensure the health and safety of other persons is not put at risk. In this context, this is considered to include an obligation that HCC must not facilitate a change or intensification of landuse that would result in an unacceptable level of risk being imposed on landuses surrounding the Terminals, for example by enabling the development of sensitive land uses in an area identified by way of QRA to present an unacceptable level of risk to sensitive land uses (i.e. within the 0.5×10^{-6} modelled contour).</p> <p>In Appendix X, a drawing has been provided to illustrate the extent of the 'void' area between Council's overlay mapping (based on the residential land use criteria risk contours (1×10^{-6})) and the sensitive land use criteria risk contours (1×10^{-6}).</p> <p>The Fuel Companies seek to ensure risk associated with the Terminals is appropriately managed through a robust and comprehensive approach to land use planning, consistent with the comprehensive QRA work that has been undertaken. On this basis, the extent of the mapped Hazardous Substance Risk Management Overlay should be extended to reflect the modelled 0.5×10^{-6} sensitive activity contour.</p>	
Hutt City Fuel Transmission Pipeline Corridor	Neutral	<p><i>For context, the Hutt City fuel transmission pipeline, which transports fuel from ships at Point Howard Wharf to the four bulk fuel terminals in Seaview, is currently being upgraded and re-routed, as part of a major project to future-proof this critical asset. The upgrade project is being undertaken in stages, with construction works underway and consent for the final stage currently being obtained. Further information can be found here.</i></p> <p>The Fuel Companies seek that the Hutt City fuel transmission pipeline is mapped and added to the district plan as the 'Hutt City Fuel Transmission Pipeline Corridor', similar to the approach taken in relation to the Gas Transmission Pipeline Corridor. This approach will ensure that the pipeline, which is regionally significant infrastructure (RSI), is protected from reverse sensitivity effects associated with nearby activities which could constrain its operation and to ensure that potential residual risk effects on surrounding landuse activities are avoided. It is critical to ensure that a clear policy framework is implemented to avoid sensitive activities from establishing next to the wharfline.</p>	Implement a 'Hutt City Fuel Transmission Pipeline Corridor' into the district plan maps, located based on the sensitive land use criteria risk contours (0.5×10^{-6}) of the Hutt City fuel transmission pipeline, being 40m either side of the pipeline. The location of the wharfline route and associated setbacks is shown in Attachment B .

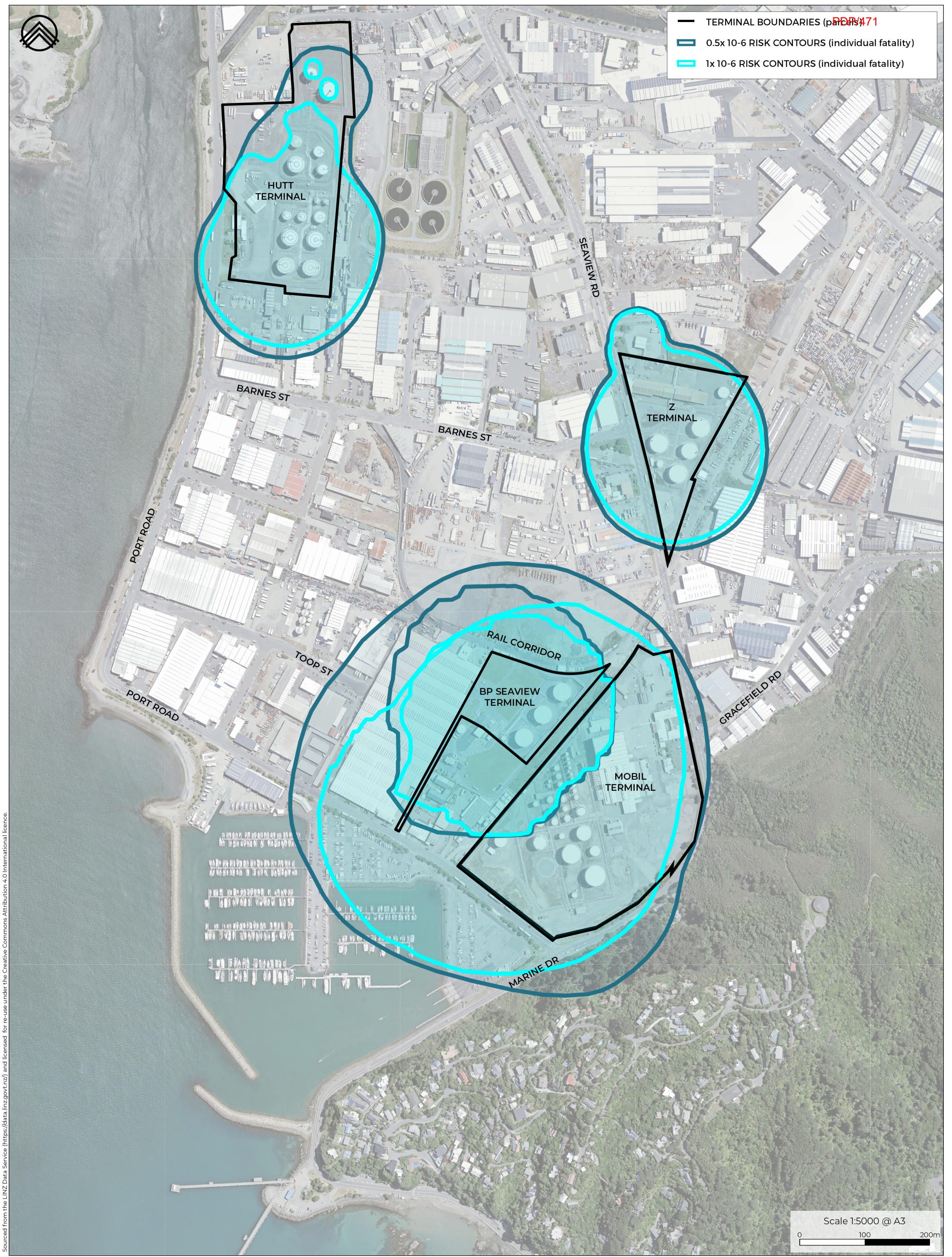


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		<p>The bp Seaview Terminal QRA prepared by Lloyds³ includes risk management mapping in relation to the wharfline section where it connects to the bp Seaview Terminal. It uses the following criteria to establish risk in relation to the wharfline:</p> <ul style="list-style-type: none"> • Sensitive land use criteria risk contours (0.5×10^{-6}) is placed at 40m maximum on either side of the lines. • Residential land use criteria risk contours (1×10^{-6}) is placed at 35m maximum on either side of the lines. <p>This general approach to wharfline risk contours has also been supported by Sherpa Consulting, who prepared QRAs for the Mobil, Z Energy and NZOSL Terminals in Seaview.</p> <p>On this basis, the Fuel Companies seek that a risk management regime is implemented into the district plan to reflect the modelled 0.5×10^{-6} sensitive activity contour.</p>	

³ Pages 47-48 of the April 2009 Lloyds Register Risk Assessment Report: Proposed new tank terminal in Lower Hutt, New Zealand for BP Oil New Zealand Limited. This QRA has been reviewed by Council, noting that it has (1) gone through a resource consent process and (2) recently submitted to Council as part of draft district plan consultation and subsequently informed the Hazardous Substance Risk Management Overlay mapping.



Attachment A



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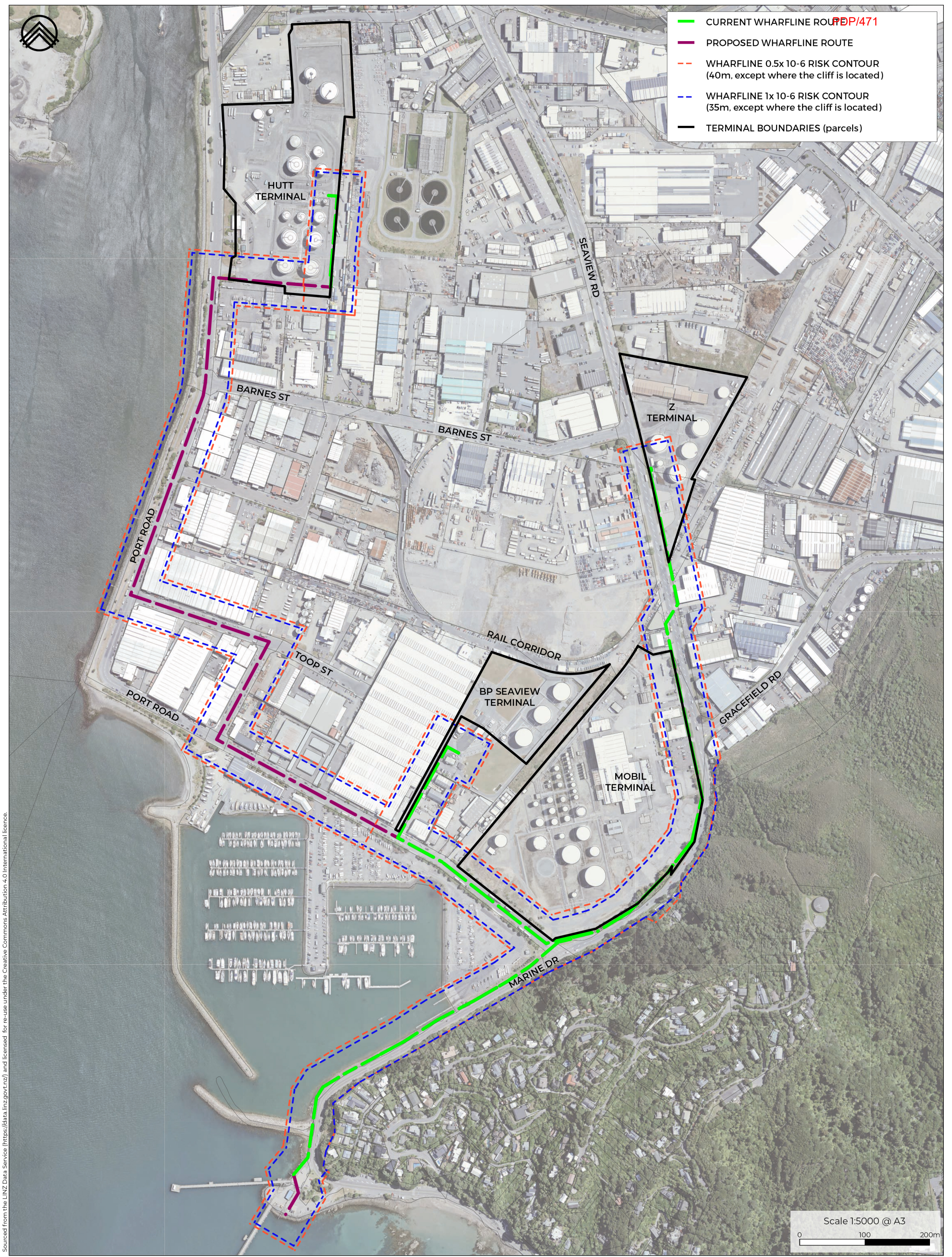
HUTT CITY FUEL TERMINAL RISK CONTOURS

Figure prepared for HCC by SLR Consulting.

Date: 12/11/2024
Version 6.1 V2 (terminal risk contours)
Drawn: Aimily Li
Checked: Philip Brown
Approved: Philip Brown

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Attachment B



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HUTT CITY WHARFLINE RISK CONTOURS

Figure prepared for HCC by SLR Consulting.

Date: 01/04/2025
Version 6.1 V2 (wharfline risk contours)
Drawn: Aimi Li
Checked: Philip Brown
Approved: Philip Brown



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