

**SUBMISSION ON PROPOSED PLAN CHANGE 2 TO THE KAPITI COAST DISTRICT PLAN  
PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT  
1991**

**To:** Kāpiti Coast District Council  
175 Rimu Road  
Paraparaumu 5032

Via email: [district.planning@kapiticoast.govt.nz](mailto:district.planning@kapiticoast.govt.nz)

**Submitter:** BP Oil New Zealand Limited  
PO Box 99 873  
Auckland 1149

Mobil Oil New Zealand Limited  
PO Box 1709  
Auckland 1140

Z Energy Limited  
PO Box 2091  
Wellington 6140

*Hereafter referred to as the Fuel Companies*

**Address for Service:** 4Sight Consulting Limited  
201 Victoria Street West  
Auckland Central  
Auckland 1010

Attention: Mark Laurensen  
Phone: 021 0868 8135  
Email: [markl@4sight.co.nz](mailto:markl@4sight.co.nz)

## A. INTRODUCTION

Kāpiti Coast District Council (*Council*) is a Tier 1 authority and required to implement the intensification policies of the National Policy Statement for Urban Development (*NPS: UD*) and Medium Density Residential Standards (*MDRS*) to enable greater housing choice throughout the Kāpiti Coast District (*the district*). Council has notified Proposed Plan Change 2 to its district plan (*PC2*) in response to these requirements.

BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) receive, store and distribute refined petroleum products around New Zealand. In the district, the Fuel Companies' core business relates to retail fuel outlets, including service stations and truck stops, and supply to commercial facilities.

These existing activities include the storage and use of hazardous substance (typically petrol, diesel, and LPG), the refuelling of vehicles, and often other vehicle services (air pump, car wash, etc.), and retail activities. Fuel deliveries are undertaken via tankers which occur infrequently but often without restriction in terms of frequency or times. All sites have established vehicle crossings for access and exit, buildings, and signage (often illuminated). Pump stations are located beneath a forecourt canopy which is usually lit via under canopy lighting. Hours of operation vary and are not infrequently 24/7. These sites are required to comply with permitted noise limits of the district plan or limits otherwise included as conditions in an approved land use consent. The Fuel Companies' sites operate in accordance with Emergency Management Plans detailing procedures in case of emergency, including spills of hazardous substances.

These retail fuel activities are located in a variety of zones, including at the edge of zones, and it is not unusual for these sites to immediately adjoin boundaries with residential zones (often where those residential activities are of lower density than anticipated by the NPS:UD and MDRS) or residential activities. While retail fuel activities can and do occur appropriately in a range of environments/zones, the perceived acceptability of potential adverse effects can be influenced by the intensity and nature of adjoining activities. This submission relates primarily to the interface of proposed higher density residential activities with existing lawfully established non-residential activities.

## B. THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 2 TO THE PROPOSED PLAN THAT THE FUEL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS

The specific provisions submitted on, the rationale for the Fuel Companies' submission on each of these matters, and the relief sought is contained in the schedule below. Specific changes sought to the provisions are highlighted yellow with deletions in ~~double strikethrough~~ and additions in double underline. The Fuel Companies support alternative relief that achieves the same outcome(s).

In addition to the specific outcomes and relief sought, the following general relief is sought:

- a) Achieve the following:
  - i. The purpose and principles of the Resource Management Act 1991 (*RMA*) and consistency with the relevant provisions in Sections 6 - 8 RMA;
  - ii. Give effect to the Wellington Regional Policy Statement;
  - iii. Assist the Council to carry out its functions under Section 31 RMA;
  - iv. Meet the requirements of the statutory tests in section 32 RMA; and
  - v. Avoid, remedy or mitigate any relevant and identified environmental effects;
- b) 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 proposed plan 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
- c) Any other relief required to give effect to the issues raised in this submission.

- C. THE FUEL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION.
- D. IF OTHERS MAKE SIMILAR SUBMISSIONS THE FUEL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING.
- E. THE FUEL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.
- F. THE FUEL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT –
  - I. ADVERSELY AFFECTS THE ENVIRONMENT; AND
  - II. DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

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



Mark Laurensen  
Principal Planner

Date this 15<sup>th</sup> September 2022

## SCHEDULE A – INTENSIFICATION

- 1.1 The Fuel Companies appreciate intensification changes are required under either the NPS:UD or the MDRS with little to no discretion on their applicability, other than for qualifying matters, and are neutral to them subject to ensuring reverse sensitivity effects on lawfully established retail fuel activities are appropriately managed.
- 1.2 PC2 will alter development potential around these facilities with corresponding potential to give rise to reverse sensitivity effects including nuisance effects (e.g. noise and lighting ) and amenity effects. For instance, an occupier of a terraced apartment or residential occupier of a multi storey mixed use development is more likely to perceive noise and visual effects compared to an occupier of single-storey dwelling and, more than likely, setback from the boundary and screened by a fence and landscaping, or commercial activity. The Fuel Companies consider this is a potential adverse effect on the ongoing operation, maintenance, and upgrade of these facilities, which are a physical resource that must be managed under the Act. The Fuel Companies anticipate that this will be a wider issue for non-residential activities more generally, which, like fuel industry sites, have demonstrated that they can operate in a range of zones and at zone interfaces.
- 1.3 The Fuel Companies acknowledge that relief is not appropriate in relation to the construction and use of up to three dwellings per site in accordance with permitted activity standards in residential zones. However, where consent is required in residential zones, and where residential development is a component of development in Commercial and Mixed Use Zones, the Fuel Companies consider that residential amenity and existing activities need to be appropriately protected by provisions which respond to the interface with a Commercial or Mixed-Use Zone, or with lawfully established non-residential activities. This is reflected in the *National Medium Density Design Guide (Ministry for the Environment, May 2022)*<sup>1</sup> which encourages new development to respond to existing or proposed nearby non-residential activities.
- 1.4 To this effect, the Fuel Companies seek that PC2 be amended to ensure that reverse sensitivity effects on existing lawfully established non-residential activities are minimised. This could be achieved by amending the following provisions as set out in the following table (deletions in double strikethrough, additions in double underline). Alternative relief may achieve the same outcome.

---

<sup>1</sup> <https://environment.govt.nz/publications/national-medium-density-design-guide/>, accessed on 13 September 2022

Sub Point	Plan Provision	Position	Reason	Relief Sought
1	Definition – Noise sensitive activity	Support in part	The definition of noise sensitive activity excludes residential development in non-residential zones. This is not appropriate, at least in relation to commercial and mixed use zones, where it is important that at least habitable rooms in the same are considered noise sensitive.	<p>Delete exclusion 1 to the definition of Noise Sensitive Activity to ensure that residential activities in Commercial and Mixed Use zones are considered noise sensitive and subject to provisions relating to the same. Otherwise retain the definition as notified.</p> <p>Noise sensitive activity means:</p> <ol style="list-style-type: none"> <li>1. <i>Buildings</i> used for residential activities and includes:               <ol style="list-style-type: none"> <li>a. <i>boarding houses</i>;</li> <li>b. homes for elderly persons;</li> <li>c. retirement villages;</li> <li>d. in-house aged-care facilities, and</li> <li>e. <i>buildings</i> used as temporary accommodation in residentially zoned areas, including hotels, motels, and camping grounds, but excludes other <i>visitor accommodation</i> which is not <i>temporary residential rental accommodation</i>;</li> <li>f. <i>buildings</i> used for residential activities as part of a <i>papakāinga</i></li> </ol> </li> <li>2. <i>marae buildings</i>;</li> <li>3. spaces within <i>buildings</i> used for overnight patient medical care; and</li> <li>4. teaching areas and sleeping rooms in <i>buildings</i> used as <i>educational facilities</i> including work skills training centres, tertiary institutions, schools, and facilities for the care of children under the age of five including premises licensed under the Education (Early Childhood Services) Regulations 2008 and playgrounds which are part of such facilities and located within 20m of <i>buildings</i> used for teaching purposes.</li> </ol> <p>For the avoidance of doubt <i>Noise Sensitive Activities</i> do not include:</p> <ol style="list-style-type: none"> <li>1. residential accommodation in buildings which predominantly have other uses such as commercial or industrial premises;</li> <li>2. garages and ancillary buildings not containing any habitable room(s); and</li> <li>3. premises and facilities which are not yet built, other than premises and facilities for which a <i>building</i> consent has been obtained which has not yet lapsed.</li> </ol>
2	Objective DO-O3	Support	While a number of changes are proposed to the objective, it retains the clause requiring management of the location and effects of potentially incompatible land uses, including at the interface of these uses. This is important to sustainable management of existing non-residential activities.	Retain DO-O3 as notified.

3	Objective DO-O11	Support in part	PC2 increases the potential for reverse sensitivity effects, which may occur both across and within zones. This is not as clearly reflected in clause 5 of DO-O11 as perhaps intended. This appears to be an historic issue with the position of the brackets and should be appropriately corrected through PC2.	<p>Amend clause 5 as follows but otherwise retain as notified:</p> <p>To <del>maintain and enhance</del> <u>recognise</u> the unique character and <i>amenity values</i> of the District’s distinct communities, <u>while providing for character and <i>amenity values</i> to develop and change over time in response to the diverse and changing needs of people, communities and future generations</u>, so that residents and visitors enjoy:</p> <ol style="list-style-type: none"> <li>1. <del>relaxed, unique and distinct village identities and predominantly low density</del> residential areas characterised by the presence of mature vegetation, a variety of built forms <u>and <i>building densities</i></u>, the retention of landforms, and <u>the recognition of</u> unique community identities;</li> <li>2. vibrant, lively <u><i>metropolitan and town centres</i></u> supported by higher density residential and mixed use areas;</li> <li>3. <del>neighbourhood</del> <u><i>local centres</i></u>, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;</li> <li>4. productive rural areas, characterised by openness, natural landforms, areas and corridors of <i>indigenous vegetation</i>, and <i>primary production activities</i>; and</li> <li>5. well managed interfaces between different types of <i>land use areas</i> (e.g. between living, working and rural areas) and between potentially conflicting <i>land uses</i>, so as to minimise adverse <i>effects</i>.</li> </ol>
4	UFD-P1	Support in part	As set out in the introduction and paragraphs 1.1-1.4 above, PC2 has potential to generate reverse sensitivity effects on lawfully established non-residential activities, particularly those operating at the interface with residential zones but also in commercial and mixed use zone with increased residential density. For the reasons set out in the introduction and paragraphs 1.1-1.4 above, it is appropriate that policy direction in this regard be provided. This would seem to most appropriately be located in the Urban Form and Development chapter which applies across all zones, rather than at a zone level, although the latter would achieve the same intent.	<p>Add clause 7 as follows but otherwise retain it as notified:</p> <p>New urban <i>development for residential activities</i> will only be located within <i>existing urban areas and identified growth areas</i>, and will be undertaken in a manner which:</p> <ol style="list-style-type: none"> <li>1. supports the District’s consolidated urban form;</li> <li>2. maintains the integrity of the urban edge north of Waikanae and Ōtaki;</li> <li>3. manages residential densities by: <ol style="list-style-type: none"> <li><del>a. enabling <i>medium density housing</i> and focused <i>infill housing</i> in identified precinct areas that are close to <i>centres</i>, public <i>open spaces</i>, and public transport nodes;</del></li> <li><del>b. retaining a predominantly low residential density in the <i>Residential Zones</i>;</del></li> <li><del>c. avoiding any significant adverse effects of <i>subdivision</i> and <i>development</i> in special character areas identified in GRZ-P3;</del></li> <li>a. <u>providing for a variety of housing types and densities in the General Residential Zone;</u></li> <li>b. <u>enabling increased housing densities:</u> <ol style="list-style-type: none"> <li>i. <u>in, and within a walkable catchment of the <i>Metropolitan Centre Zone</i>;</u></li> <li>ii. <u>within a walkable catchment of the train stations at Paekākāriki, Paraparaumu and Waikanae; and</u></li> <li>iii. <u>in and adjacent to the <i>Town Centre Zone</i> and <i>Local Centre Zone</i>;</u></li> </ol> </li> </ol> </li> <li>4. avoids urban expansion that would compromise the distinctiveness of existing settlements and unique character values in the rural <i>environment</i> between and around settlements;</li> <li>5. can be sustained within and makes efficient use of existing capacity of public services and <del>strategic infrastructure</del>, or is integrated with the planned capacity of public services and <u><i>infrastructure</i></u>; and</li> <li>6. promotes the efficient use of energy and water.</li> <li>7. <u>Manages reverse sensitivity effects on existing lawfully established non-residential activities.</u></li> </ol>

5	GRZ-P9	Support in part	Proposed amendments to clause 2 delete the requirement for new built development to relate to local identity, character and density and instead require development to be compatible with the planned built character of the zone. While this may be a consideration in terms of the permitted baseline, the policy should also recognise the existing lawfully established environment. The importance of this is partly reflected in Noise-R14 of the operative plan, at least in relation to sites within centre zones.	<p>Amend clause 2 of GRZ-P9 as follows but otherwise retain it as notified:</p> <p><i>Residential activities</i> will be recognised and provided for as the principal use in the <i>Residential Zones</i>, while ensuring that the <i>effects</i> of <i>subdivision</i>, use and <i>development</i> is in accordance with the following principles:</p> <ol style="list-style-type: none"> <li>1. adverse <i>effects</i> on natural systems will be avoided, remedied or mitigated;</li> <li>2. new built <i>development</i> will relate to local built identity, character values and the density of the surrounding residential environment be compatible with the planned built character of the Zone and minimise reverse sensitivity effects on existing non-residential activities;</li> <li>3. transport choice and efficiency will be maximised;</li> <li>4. housing types which meet the need of households will be provided for;</li> <li>5. the number of <i>residential units</i> per <i>allotment</i> will be limited; and</li> <li>6. a limited number of <i>accessory buildings</i> and <i>buildings</i> which are <i>ancillary</i> to <i>residential activities</i> will be provided for.</li> </ol>
6	GRZ-P10	Support in part	As above	<p>Amend clause 4 of GRZ-P10 as follows but otherwise retain it as notified:</p> <p><i>Subdivision</i>, use and <i>development</i> in the <i>Residential Zones</i> will be required to achieve a high level of on-site amenity for residents and neighbours in accordance with the following principles:</p> <ol style="list-style-type: none"> <li>1. <i>building size</i> and <i>footprint</i> will be proportional to the size of the <i>allotment</i>;</li> <li>2. usable and easily accessible private <i>outdoor living spaces</i> will be provided;</li> <li>3. <i>buildings</i> and <i>structures</i> will be designed and located to maximise sunlight access, privacy and amenity for the <i>site</i> and adjoining <i>allotments</i>;</li> <li>4. <i>buildings</i> and <i>structures</i> will be designed and located to minimise visual impact and to ensure they are of a scale which is consistent with the area's urban form compatible with the planned built character of the Zone and minimise reverse sensitivity effects on existing non-residential activities;</li> <li>5. appropriate separation distances will be maintained between <i>buildings</i>;</li> <li>6. <i>yards</i> will be provided to achieve appropriate <i>building</i> setbacks from neighbouring areas, the street and the coast;</li> <li>7. hard and impermeable surfaces will be offset by permeable areas on individual <i>allotments</i>;</li> <li>8. unreasonable and excessive <i>noise</i>, odour, smoke, <i>dust</i>, light, glare and vibration will be avoided;</li> <li>9. <i>non-residential buildings</i> will be of a form and scale which is compatible with the surrounding residential environment; and</li> <li>10. service areas for <i>non-residential activities</i> will be screened, and planting and <i>landscaping</i> will be provided.</li> </ol>
7	New		Recognise that intensification has potential to generate adverse effects on lawfully established existing non-residential activities and that these need to be minimised. This potential is most apparent with regard to development of noise sensitive activities not captured by Noise R14 in the operative plan,	Ensure that new noise sensitive activities that require resource consent and have potential to generate reverse sensitivity effects on existing lawfully established non-residential activities in residential, commercial, and mixed use zones, including at their interface with other zones, must comply with the requirements of clauses 1 and 4 of Noise-R14 to minimise reverse sensitivity effects. Make consequential amendments to ensure this is reflected in related provisions.

			particularly Mixed Use zones, zone interfaces, and adjoining existing non-residential activities in residential zones.	
--	--	--	--	--



**From:** [Mark Laurensen](#)  
**To:** [Mailbox - District Planning](#)  
**Subject:** Plan Change 2 - Submission by the Fuel Companies  
**Date:** Thursday, 15 September 2022 3:48:41 pm  
**Attachments:** [image001.png](#)  
[FuelCo submission to Kapiti District Plan PC2 v1.0.pdf](#)

---

Good afternoon,

Attached is a submission to plan change 2 to the Kapiti Coast District Plan on behalf of Z Energy Limited, bp Oil New Zealand Limited, and Mobil Oil New Zealand Limited. Please confirm receipt.

Thanks  
Mark

[Mark Laurensen](#)

Principal Planner & Auckland Planning Manager

Mobile: 021 0868 8135



201 Victoria Street West, Auckland Central 1010  
PO Box 911 310, Victoria St West, Auckland 1142

[4Sight.Consulting](#) [LinkedIn](#)

NOTICE - This e-mail is only intended to be read by the named recipient. It may contain information which is confidential, proprietary or the subject of legal privilege. If you are not the intended recipient please notify the sender immediately and delete this e-mail. If you are not the intended recipient you should not copy this e-mail or use the information contained in it for any purpose nor disclose its contents to any other person. Legal privilege is not waived because you have read this e-mail. 4Sight Consulting accepts no responsibility for electronic viruses or damage caused as a result of this email or for changes made to this email or to any attachments after transmission from 4Sight Consulting. You should not distribute or publish the contents of this email or any attachment without the prior consent of 4Sight Consulting.