

BEFORE THE ENVIRONMENT COURT

AUCKLAND REGISTRY

ENV-2020-AKL-00132

IN THE MATTER

of the Resource Management Act 1991
(*the Act*)

AND

IN THE MATTER

of an appeal pursuant to Clause 14(1) of
the First Schedule to the Act

BETWEEN

New Zealand Transport Agency
Appellant

AND

Whangarei District Council
Respondent

**NOTICE OF REPRESENTATION AT PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE
MANAGEMENT ACT 1991**

To: The Environment Court Registrar
PO Box 7147
Victoria Street West
Auckland 1142

1. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (“the Oil Companies”) wish to be a party to the following proceedings:
 - 1.1 ENV-2020-AKL-00132 between New Zealand Transport Agency (“Appellant”) and the Whangarei District Council (“Respondent”) in relation to the respondent’s decisions on submissions to the Proposed Plan Changes 109 & 148 – Urban and Services to the Whangarei District Plan.
2. The Oil Companies lodged submissions on the Proposed Plan Changes on the subject matter of the proceedings.
3. The Oil Companies receive, store and distribute refined petroleum products. Within the Whangarei District, the Oil Companies own, operate and/or supply service stations, truck stops and various commercial activities. These facilities provide an essential service to the residents and businesses of Whangarei District.
4. The Oil Companies are not trade competitors for the purposes of section 308C or 308CA of the Act.
5. The Oil Companies are interested in the following matters raised by the appellant in the appeal:
 - 5.1 Rules TRA-R14 and R15: Integrated Transport Assessments (ITA) (page 6 of the NZTA appeal).
6. The reasons for the Oil Companies interest in these matters are as follows:
 - 6.1 The Oil Companies are opposed to the specific relief sought regarding the amendments of Rules TRA-R14 and TRA-R15 as they relate to service stations.
 - 6.2 The relief for TRA-R15 would require that either service stations with an area of 2000m² or greater, or (in the alternative) that service stations generating 475 vehicle movements per hour be assessed as a discretionary activity and require an ITA that satisfies specific information requirements in the Transportation Chapter.

- 6.3 The relief for TRA-R14 would require consequential changes to be made in line with TRA-R15. This indicates that activities at service stations that are less than 2000m² in area, or generate less than 475 vehicle movements per hour, are likely to require consent as a restricted discretionary activity and to require an ITA that satisfies specific information requirements in the Transportation Chapter.
- 6.4 The Oil Companies consider that the use of additional or alternative triggers (to parking) for requiring resource consent and mandating inclusion of a comprehensive ITA assessment may be appropriate in the context of new service stations or the significant redevelopment of existing service stations (for example, where effects on the transport network could be generated that would have a materially different nature or scale). As currently drafted, however, the relief would likely trigger consent pursuant to either TRA-14 or 15 and a requirement for an ITA even in the circumstances where proposed works at an existing service station would not have an impact on, or would have a less than minor impact on transportation. An example would be the undertaking of standard maintenance activities at existing service stations (e.g. earthworks for service pipe replacements or replacement of underground fuel storage tanks). The Oil Companies do not consider there to be any clear effects-based connection between those works and either the trigger for consent or the requirement to provide a comprehensive ITA. As such, the amendments proposed by NZTA are considered to inappropriately trigger and unnecessarily require the Oil Companies to apply for additional traffic related consents irrespective that the activities proposed may be for non-traffic related works, and to require a comprehensive ITA when that is unnecessary.
- 6.5 The requirements for ITA are set out in information requirement TRA-REQ2. These are comprehensive. Non-submission of an ITA with an application for resource consent, or submission of an ITA that does not, at a minimum address the detailed information requirements, even in the event where there is no impact on traffic, may well result in a Council refusing to accept an application for processing. That is inefficient and inappropriate.

7. The Oil Companies are very keen to discuss the matters raised herein with the parties involved with a view to resolution. However, the Oil Companies agree to participate in mediation or other alternative dispute resolution of the proceedings, if resolution is not practicable prior.



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Sean Stirling
Planning and Policy Consultant
4Sight Consulting Limited

Dated this 5th August 2020

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A copy of this notice has been served on the following parties:

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New Zealand Transport Agency

c/- Buddle Finlay (attention:
Mathew Gribben)

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