

Level 1
2-8 Northcroft St
Takapuna, Auckland 0622

PO Box 33 817
Takapuna, Auckland 0740
New Zealand

Phone 09 917 4300
Fax 09 917 4311

15/071.1
John McCall
DDI (09) 917 4316
jmccall@burtonconsultants.co.nz

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Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

services@qldc.govt.nz

Dear Sir/Madam,

RE: HEARING STATEMENT ON BEHALF OF THE OIL COMPANIES (SUBMITTER 2484) ON CHAPTER 29 (TRANSPORT) OF THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN (STAGE 2)

1. INTRODUCTION

- 1.1 I refer to the abovementioned matters set down for hearing commencing 3rd – 28th September 2018. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (“*the Oil Companies*”) will not be presenting evidence at the hearing, but instead advise of its position in respect of these submission points through this tabled statement.
- 1.2 This statement has been prepared on behalf of the Oil Companies (identified as submitter 2484) and represents its views. The statement relates to those relevant submissions by the Oil Companies relevant to Chapter 29 – Transport.
- 1.3 **Annexure 1** to this statement sets out the relevant Oil Companies submissions and the corresponding recommendation of the Reporting Planner. The recommendations are generally supported, although two matters are addressed further in this statement (to be tabled) and some changes to the Planner’s recommendation are sought.
- 1.4 Except as sought in this statement, the QLDC Hearings Panel is urged to adopt the recommendations of the Reporting Planner as recorded in **Annexure 1**.
- 1.5 It would be appreciated if you could table this statement before the QLDC Hearings Panel.

2. CHAPTER 29 – TRANSPORT

- 2.1 **The Oil Companies (Submission Point 2484.11) sought to amend Policy 29.2.4.9 to remove reference to ‘beyond the site’ for clarity and appropriateness, as follows:**

Ensure the location, design, and layout of access, manoeuvring, car parking spaces and loading spaces of vehicle-orientated commercial activities, such as service stations and rural selling places, avoids or mitigates adverse effects on the safety and efficiency of the adjoining road(s) and provides for the safe movement of pedestrians within ~~and beyond~~ the site, taking into account:

- a. *The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects; and*
- b. *The ability to mitigate any potential adverse effect of the access on the safe and efficient functioning of the frontage road*

- 2.2 The Oil Companies did not consider it appropriate to extend the safety concerns of pedestrians “beyond the site” – considering that “beyond” the site is not a definable / measurable distance and can produce a range of interpretations. There were no further submissions.
- 2.3 The Reporting Planner recognises the concerns of the Oil Companies insofar as retaining “beyond the site” may broaden the scope of the policy unreasonably (paragraph 13.1 of the S42A Report). However, the Reporting Planner, in response to a submission by NZTA (submission 2538.59) suggests amending Policy 29.2.4.9 by replacing the reference to “frontage road” with “transport network” because that is considered to align with the matters of discretion (paragraph 13.1 of the 42A Report). Accordingly, the recommendation of the Reporting Planner is not to delete “beyond the site”.
- 2.4 The Oil Companies are not opposed to the Reporting Planner’s recommendation to replace “frontage road” with “transport network”, but do not consider that change negates the need to or benefit of deleting the phrase “beyond the site”.
- 2.5 The Oil Companies consider that the wording of the Policy requires that “beyond the site” is only applied to pedestrians, and therefore that, irrespective of the replacement wording, the policy relates to:
 - (a) avoiding or mitigating adverse effects on the safety and efficiency of the adjoining road(s) [per se, and in a broad sense]; and
 - (b) providing for the safe movement of pedestrians within [and beyond] -the site.

As such, while the Oil Companies accept the replacement of “frontage road” with “transport network” in Policy 29.2.4.9, as proposed by the Reporting Planner, the proposal not to delete the phrase “and beyond” is rejected. The Oil Companies therefore urge the QLDC Hearings Panel to reject the recommendation of the Reporting Planner not to accept the deletion of “and beyond” from Policy 29.2.4.9.

Recommendation to the Hearings Panel

- 2.6 Accept the recommendation to replace “frontage road” with “transport network” in Policy 29.2.4.9, and make a recommendation to also delete “and beyond” from Policy 29.2.4.9, as follows:

Ensure the location, design, and layout of access, manoeuvring, car parking spaces and loading spaces of vehicle-orientated commercial activities, such as service stations and rural selling places, avoids or mitigates adverse effects on the safety and efficiency of the adjoining road(s) and provides for the safe movement of pedestrians within ~~and beyond~~ the site, taking into account:

- a. *The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects; and*
- b. *The ability to mitigate any potential adverse effect of the access on the safe and efficient functioning of the ~~frontage road~~ transport network*

2.7 **The Oil Companies (Submission Point 2484.16) sought to amend Rule 29.5.24(g) and (i) to reflect the measurements defined within RTS 13 and allow for tanker wagons to obstruct refuelling positions, as follows:**

- g. *Pumps shall be located a minimum of 4.5m from the road boundary and ~~12~~7m from the midpoint of any vehicle crossing at the road boundary. All vehicles shall be clear of the footpath and accessways when stopped for refuelling*
- ...
- j. *Tankers discharging shall not obstruct the footpath ~~or any part of the site intended for use by vehicles being served at refuelling positions or waiting for service.~~*

2.8 The RST 13 was developed as a result of investigations and research informing the appropriate distances, of relevance, a fuel pump should be located from a road boundary. The Oil Companies support the findings and guidance provided by the RTS 13 and sought an amendment to Clause (g) to reflect the distances indicated in the RTS.

2.9 Depending upon site constraints, fill point locations are often within or adjacent to forecourts and such a location may well result in temporary obstruction of one or some pump refuelling positions during this process. This is accepted in RST 13. Therefore, the Oil Companies considered it unreasonable to have to design a service station site to achieve the outcome of clause (j) – insofar as to prevent the obstruction of refuelling positions from tankers refuelling the petroleum storage tanks.

2.10 The Reporting Planner relies on Mr Smith’s evidence in relation to Clause (g) and the RTS 13. In his evidence, Mr Smith recognises that in the context of Queenstown, the Proposed District Plan must cater for high numbers of tourists, and therefore unfamiliar users and users of campervans (refer to paragraph 7.34). Consequently, Mr Smith recommends retaining the 12m setback and amending clause (j) as sought.

2.11 Accordingly, the recommendation of the Reporting Planner is to retain Clause (g) and amend Clause (j) by deleting “or any part of the site intended for use by vehicles being served at refuelling position or waiting for service”.

2.12 In relation to Clause (g), the Oil Companies recognise the circumstances particular to Queenstown and on that basis accept that the retention of the 12m setback will potentially minimise the likelihood of vehicle queue back onto the adjacent road (with associated operational and safety impacts) as discussed in Mr Smith’s evidence (paragraph 7.34). If the particular circumstances of the site allow that distance to be reduced, then that can be considered by way of an application for resource consent..

2.13 In relation to Clause (j), the Oil Companies support the recommendation of the Reporting Planner to adopt the deletion sought by the Oil Companies in its primary submission (submission 2484.16).

2.14 Therefore, the Oil Companies are not opposed to the amendments proposed by the Reporting Planner to both Clause (g) and (j) of Rule 29.5.29, and urge the Committee to accept those recommendations.

Recommendation to the Hearings Panel

2.15 Accept the amendments by the Reporting Planner to Rule 29.5.24 (g) and (j), as follows:

- g. Pumps shall be located a minimum of 4.5m from the road boundary and 12m from the midpoint of any vehicle crossing at the road boundary. All vehicles shall be clear of the footpath and accessways when stopped for refuelling*
- j. Tankers discharging shall not obstruct the footpath ~~or any part of the site intended for use by vehicles being served at refuelling positions or waiting for service.~~*

3. CONCLUDING STATEMENT

3.3 Thank you for your time and acknowledgement of the issues raised in the Oil Companies submission. Please do not hesitate to contact the writer on (09) 917 4316 should you wish to clarify any matters addressed herein.

Yours sincerely

BURTON PLANNING CONSULTANTS LIMITED



John McCall
Planner | Int.NZPI

ANNEXURE 1 - QLDC PDP (TRANSPORT) –S42A RECOMMENDATIONS

Submission Point Number	Submission (amendments sought through the Oil Companies submission are shown in underline or strikethrough)	Recommendation of Reporting Planner (amendments proposed through S42A report shown in underline or strikethrough)	Comment
Chapter 31 - Signage			
2484.9	<p><u>Policy 29.2.2.12</u> Retain Policy 29.2.2.12 without modification</p>	<p>Accept <i>No amendments are proposed</i></p>	<p>Support the recommendation The policy is to be retained as proposed.</p>
<p>FS2799.13 to 2448.14 (Millennium & Copthorne Hotels NZ Ltd)</p>	<p><u>Policy 29.2.2.12</u> The Millennium & Copthorne Hotels NZ Ltd submission sought to retain Policy 29.2.2.5 but suggested that the words “or promoting poor amenity outcomes” would be usefully added.</p> <p>The Oil Companies sought Policy 29.2.2.12 be retained. The Oil Companies opposed the proposed additional wording to the Policy. It is not considered appropriate to reference amenity outcomes within Policy 29.2.2.12 given the Policy is intended to control safety and efficiency in response to vehicle crossing and accesses.</p>	<p>Reject the primary submission (and so accept the further submission of the Oil Companies)</p>	
<p>FS2799.14 to 2538.49 (NZTA)</p>	<p><u>Policy 29.2.2.12</u> The NZTA submission sought to delete Policy 29.2.2.12 and replace with a Policy worded to ensuring accesses do not adversely affect safety and efficiency.</p> <p>The Oil Companies opposed the submission as it wishes to see Policy 29.2.2.12 retained.</p>	<p>Reject the primary submission (and so accept the further submission of the Oil Companies)</p>	
2484.11	<p><u>Policy 29.2.4.9</u> Amend Policy 29.2.4.9 to remove the reference to ‘beyond the site’</p>	<p>Reject <i>Ensure the location, design, and layout of access, manoeuvring, car parking spaces and loading spaces of vehicle-orientated commercial activities, such as service stations and rural selling places, avoids or mitigates adverse effects on the safety</i></p>	<p>Support the recommendation The Oil Companies do not oppose the replacement of “frontage road” with “transport network” in Policy 29.2.4.9, but continue to oppose the consideration of pedestrian effects beyond the site. Refer to</p>

		<p><i>and efficiency of the adjoining road(s) and provides for the safe movement of pedestrians within and beyond the site, taking into account:</i></p> <p><i>a. The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects; and</i></p> <p><i>b. The ability to mitigate any potential adverse effect of the access on the safe and efficient functioning of the frontage road <u>transport network</u></i></p>	Section 2.0 of the statement.
FS2799.15 to 2538.59 (NZTA)	<p><i>Policy 29.2.4.9</i> The NZTA submission sought that Policy 29.2.4.9 is amended to replace “frontage road” with “transport network”.</p> <p>The Oil Companies opposed the submission on the basis that it is not considered appropriate to require consideration of impacts on the whole transport network.</p>	Accept the primary submission (and so reject the further submission of the Oil Companies)	
2484.12	<p><i>Rule 29.5.7(b) – (c)</i> Retain Rule 29.5.7(b) – (c) without modification</p>	<p>Accept <i>No amendments are proposed.</i></p>	<p>Support the recommendation The rule is to be retained without modification.</p>
2484.13	<p><i>Rule 29.5.9</i> Retain Rule 29.5.9 without further modification.</p> <p>Include a definition of ‘Vehicle Control Point’ to prevent any interpretation issues and ensure the application of Rule 29.5.9 is consistent.</p>	<p>Accept in Part <i>Queuing</i></p> <p><i>a. On-site queuing space shall be provided for all vehicles entering a parking or loading area in accordance with the following:</i></p> <p>...</p> <p><i>b. Where the parking area has more than one access the required queuing space may be divided between the accesses based on the expected traffic volume served at each access point.</i></p>	<p>Support the recommendation The Oil Companies support the proposed deletion by the Reporting Planner – reflecting the interpretation concerns raised in the primary submission by the Oil Companies.</p>

		<p>c. <i>Queuing space length shall be measured from the road boundary at the vehicle crossing to the nearest vehicle control point or point where conflict with vehicles already on the site may arise.</i></p> <p><i>Discretion is restricted to:</i></p> <ul style="list-style-type: none"> • <i>Effects on safety, efficiency, congestion, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</i> 	
2484.15	<p><i>Rule 29.5.11(a)</i> Retain Rule 29.5.11(a) without further modification</p>	<p>Accept <i>No amendments are proposed.</i></p>	<p>Support the recommendation Retain the provision as proposed</p>
2484.16	<p><i>Rule 29.5.24(g) and (j)</i> Amend Rule 29.5.24(g) and (j) to reflect measurements defined within RTS 13 and allow for tanker wagons to obstruct refuelling positions, as follows:</p> <p>g. Pumps shall be located a minimum of 4.5m from the road boundary and 127m from the midpoint of any vehicle crossing at the road boundary. All vehicles shall be clear of the footpath and accessways when stopped for refuelling</p> <p>j. Tankers discharging shall not obstruct the footpath or any part of the site intended for use by vehicles being served at refuelling positions or waiting for service.</p>	<p>Accept in part</p> <p>g. <i>Pumps shall be located a minimum of 4.5m from the road boundary and 12m from the midpoint of any vehicle crossing at the road boundary. All vehicles shall be clear of the footpath and accessways when stopped for refuelling</i></p> <p>j. <i>Tankers discharging shall not obstruct the footpath or any part of the site intended for use by vehicles being served at refuelling positions or waiting for service.</i></p>	<p>Support the recommendation The Oil Companies support the proposed amendment by the Reporting Planner to delete a portion of Clause (j) – as sought in the Oil Companies’ primary submission, and to retain Clause (g) as proposed. Refer to Section 2.0 of the statement.</p>
2484.17	<p><i>Rule 29.9.25</i> Amend Rule 29.9.25 to remove the requirements for staff/guests parking at service stations</p>	<p>Accept in Part <i>Resident/Visitor – 1 per 25m² of GFA used for retail sales</i></p>	<p>Support the recommendation The Oil Companies support the proposed amendment by the Reporting Planner to reduce the minimum number of car parking spaces required for Staff/Guests from 3 per</p>

		<i>Staff/Guest – 32 per service station</i>	<p>service station to 2.</p> <p>While the Oil Companies sought no Staff/Guest car parking requirements at service stations, the Oil Companies accept that public transport is not necessarily readily available within the Queenstown Lakes District. Therefore, the Oil Companies support the reduced requirement for Staff/Guest parking at service stations. Further reductions could be sought through resource consent application should they be appropriate.</p>
2484.18	<p><i>Rule 29.11.10</i> Retain Rule 29.11.10 without modification</p>	<p>Accept <i>No amendments are proposed</i></p>	<p>Support the recommendation Retain the provision as proposed.</p>
2484.14	<p><i>Definition: Vehicle Control Point</i> Add a new definition 'vehicle control point' in relation to queueing lengths and service stations (relates to Submission point 2484.13)</p>	<p>Accept in Part <i>For the purpose of Chapter 29, means a point on a vehicle access route controlled by a barrier (or similar means) at which a vehicle is required to stop, or a point where conflict with vehicles already on the site may arise. For example, a point where vehicles on the access route may need to wait for a vehicle reversing from a parking space on the site or queueing for a service station filling point.</i></p>	<p>Support the recommendation The Oil Companies sought a definition of 'vehicle control point' to prevent any interpretation issues arising in relation to Rule 29.5.9(c).</p> <p>The Oil Companies support the definition proposed by the Reporting Planner insofar as it provides clarity on the interpretation of Rule 29.5.9(c) to ensure a consistent application of the rule.</p>