
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 14/12/2023

Submission Reference Number #:135

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

Kirsty Gillespie

Address for service:

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Attachments:

Attachment 1-Site Location, Streetscape Perspective, and PDP Significant Hazardous Facilities Risk Management Overlay.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **N/A**

Submission points

Point 135.1

Section: Planning Maps

Sentiment: Oppose

Submission:

The specific provisions of the proposal that this submission relates to:

The Overlay Zoning for 2A Bull Street under the Proposed District Plan (PDP) as Significant Hazardous Facility Risk Management.

Summary of Submission:

1. The submitters own 2A Bull Street (the site) which covers an area of 260m² and is currently vacant. The submitters have previously owned the adjacent property 51 Battery Road, which was subdivided 3 years prior to create the subject site. The site is currently located within the Northern Residential Zone of the Operative District Plan (ODP) and is proposed to be General Residential Zone with a Significant Hazardous Facility Risk Management (HFRM) Overlay under the PDP. **Attachment 1** provides the site location, streetscape perspective, and PDP Overlay.
2. The submitters state that the lovely suburb of Ahuriri West has grown significantly since the earthquake of 1931 and residents have lived happily alongside the neighbouring fuel storage facility for many years. During their residence at 51 Battery Road, the submitters and their neighbours on Bull Street and Battery Road were regularly invited, via brochure in their letter box, to meet at the tank farm to discuss the nature of the oil company's activities. In addition, as part of the subdivision process to 51 Battery Road, the oil company was consulted by the submitters and provided written approval in support of the application to subdivide. They have always regarded the oil company as a respectful and a "perfect" neighbour.
3. The submitters currently live in Christchurch, however, have had a long held a desire to redevelop the site for retirement purposes. Given the oil company's activities are quiet, located some distance from the site, and the submitters love the semi-industrial look of the oil tanks, they determined in 2020 that the site was the ideal spot to build a low-maintenance home to retire in. A resource consent is currently in the process of being prepared to enable such development.
4. The proposed HFRM Overlay will restrict the submitters desire to build their retirement home on the site and/or force them to reconsider their retirement plans and dreams, and additionally, make their considerable subdivision and associated servicing investment to the site worthless.

Relief sought

Kirsty Gillespie and Mike McCormick seek the following relief:

- Removal of the HFRM Overlay from 2A Battery Road **and/or**,
- The onus is placed on the oil company to mitigate risk **and/or**,
- The oil company purchase the properties affected by the HFRM at current market value including reimbursement for costs incurred to date to subdivide and redevelop the site.

Reasons:

1. The purpose of the Hazards and Risks Overlay is to manage the effects of the use and storage of hazardous substances and of hazardous facilities. The essential purpose of this overlay, in the context of this submission, is to manage any residual risk to public safety, including risk to the public beyond the site boundary. In circumstances where residual risk remains on nearby properties, a change in use or intensification of sensitive activities may result in this risk being unacceptable of these sensitive activities impacting on the ability of major hazardous facilities to operate.
2. Noting the purpose of the HFRM Overlay, the submitter considers that the site is at no more risk currently than that which existed before the subdivision process, and that there is an extremely low probability of an adverse event occurring, given no such event has occurred (that they are aware of) since the establishment of the tank farm. They further stress their considerable investment in subdividing 51 Battery Road with both the oil company's and Napier City Councils approval.

Attachment 1: Site Location, PDP Significant Hazardous Facility Risk Management Overlay, and Streetscape Perspective

