

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions by Z Energy Limited to the Proposed Wellington District Plan: Hearing Stream Four (Centres)

**STATEMENT OF EVIDENCE OF SARAH WESTOBY FOR
Z ENERGY LIMITED (Z ENERGY)**

(Submitter 361)

12 June 2023

1. EXECUTIVE SUMMARY

- 1.1 My name is Sarah Westoby. I am a Principal Planning Consultant, and I have prepared this planning evidence for Z Energy Limited (*Z Energy- submitter 361*).
- 1.2 Z Energy lodged submissions on the Wellington City Council's (*WCC* or *Council*) Proposed Wellington District Plan (*PDP*) in September 2022 seeking to amend a range of matters relating to the proposed centre and mixed-use zoning provisions. In addition, Z Energy supported a range of the proposed provisions relating to the same. As relevant to Hearing 4 (Centres), Z Energy supported the proposed zoning of each of its service stations including the proposed controls / overlays as they relate to some of its sites.
- 1.3 Appendix A to this Statement of Evidence contains a summary table of all of Z Energy's submission points covered by Hearing 4 including the corresponding recommendation(s) in the Council's Section 42A RMA (*s42A*) reports. There are a number of provisions in the PDP that are supported by Z Energy in its submission to the PDP, and unless explicitly stated in my evidence, I have not addressed these.
- 1.4 This evidence addresses a range of, but not all, matters raised through the submission by Z Energy. It focusses on those proposed provisions which will or may, in my view, unnecessarily restrict the ongoing operation, maintenance, replacement, repair and upgrades of existing service stations.
- 1.5 The main provisions, in a range of centre zones, that my evidence addresses are:
- (a) policies – potentially incompatible activities;
 - (b) policies – quality design outcomes;
 - (c) rules – yard based retail activities;
 - (d) rule – commercial activities in the Mixed Use Zone;
 - (e) standards – minimum building height; and
 - (f) standards – Verandahs, active frontage controls and non-residential frontage controls.
- 1.6 In relation to 1.5(a)-(f) above, in most instances, the relevant s42A report recommends rejecting the related submission point by Z Energy.
- 1.7 My evidence finds that the relief sought by Z Energy or that my recommended alternative relief is the most appropriate way to achieve the purpose of the RMA and demonstrates that it is appropriate to achieve the objectives of the PDP in particular in relation to efficiency and effectiveness. It also addresses the concerns raised by the s42A officer. Reasons for my findings include but are not limited to:
- (a) Providing better clarity of policy intent where it is unclear whether policies relate to new activities only or changes to existing activities.

- (b) Recognition and acknowledgement of the nature of the existing environment and the operational and functional requirements of service station in the PDP policies.
- (c) Achieving efficiencies by avoiding unnecessary mandatory notification of some yard based retail activities.
- (a) Functional requirements associated with service station operations require a specific design response that is often mandatory and necessary and hence, where an activity involves changes to existing service stations, some design standards should not have to be complied with to be a permitted activity, such as meeting minimum height limits and placing ancillary buildings on a road frontage.
- (b) Service station sites have a considerable number of traffic movements into and out of the site per day, and where visibility to the forecourt and signage is critical to a successful and safe operation. Buildings should not need to be built on front boundaries as this raises health and safety concerns and limits the ability to comply with other legislation / regulations.

1.8 My evidence also addresses potential consenting issues with these proposed inclusions considering the costs and benefits of the Council's proposed and my recommended provisions, and how they relate to the issues raised in submissions.

2. INTRODUCTION

2.1 My full name is Sarah Louise Cartner Westoby. I have over 12 years' of experience in the field of resource management and planning. I hold a Bachelor of Planning degree with Honours from the University of Auckland and am an intermediate member of the New Zealand Planning Institute.

2.2 I am a Principal Planning and Policy Consultant at 4Sight Consulting Limited (now Part of SLR) (*4Sight*). I have been employed with 4Sight since June 2019. Before then, I was employed as a Senior Planner at Beca Limited based in Auckland, New Zealand between April 2017 - June 2019. Previous employment includes local authority regulatory resource consenting roles in both New Zealand and the United Kingdom.

2.3 My principal role at 4Sight has been to provide planning and resource management consenting and policy advice to a range of clients in relation to various projects and planning instruments. This has included preparation of applications for resource consent (including AEEs), policy analysis, provision of strategic policy advice and preparation of submissions and evidence. I have provided planning services to a range of infrastructure, Government, Council, commercial and private clients, as well as to Z Energy.

- 2.4 I have been involved in a wide range of matters affecting clients at both regional and district council levels across much of the country. This includes developments in various zones and overlay areas and participation in a range of policy processes. Relevant experience on provisions relating to zoning, rules, zone-specific standards, and associated policy-regime matters includes in relation to the Proposed Auckland Unitary Plan process (Historic Heritage and Special Character Overlays – Topics 010, 029, 030 and 079), Plan Change 26 to the AUP:OP (Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions), and the Proposed New Plymouth District Plan (*PNPDP*) Hearing 16 – Commercial and Mixed Use zones, the latter to which I presented evidence on behalf of Z Energy to a range of policy and standard-related matters for commercial zones. I have prepared and presented numerous submissions and evidence on behalf of Z Energy and the Fuel Companies to various plan changes, or associated processes, throughout the country. Also relevant is that I have been involved in the preparation and lodgement of many service station related resource consent applications. I am therefore aware of both likely requirements for service station upgrades and also of the impact that the policy regime and associated rules and standards, such as those subject of this evidence, have on the preparation of applications, the assessment phase through council's, and on actual outcomes.
- 2.5 In working with Z Energy and the Fuel Companies over the past four years, I am broadly familiar with the interface of the Hazardous Substances and New Organisms Act 1996 (*HSNO*) and Health and Safety at Work Act 2015 (*HSWA*)¹ in relation to the management of hazardous substances and the necessary design response for maintaining and operating, on an ongoing basis, a service station under these regulations. Moreover, I am familiar with the 'Environmental guidelines for water discharges from petroleum industry sites in New Zealand', Ministry for the Environment, 1998 (*the guidelines*) and the required design and operational responses and requirements which Z Energy adheres to.
- 2.6 I have not visited any of the sites discussed in my evidence, nor the city, in question specifically for the purposes of preparing this evidence. I have a reasonably good understanding of Wellington and have spent time considering some of the relevant sites affected by the proposed provisions, and their surroundings; this has been informed by photos, site plans and other imagery. I do not consider that this in any way undermines the value or professionalism of my evidence.

¹ For the avoidance of doubt, in my evidence where I may refer to 'other legislation' or 'other regulations' I am primarily referring to these two pieces of legislation and the 'guidelines'; however, it can also include other legislation including the Fuel Industry Act 2020, Health and Safety at Work (Hazardous Substances) Regulations 2017, the Land Transport Act 1998 and the Building Act 2004.

3. CODE OF CONDUCT FOR EXPERT WITNESSES

- 3.1 I have read the Environment Court's Practice Note January 2023 as it relates to expert witnesses. My brief of evidence is prepared in compliance with the Code of Conduct and I agree to comply with it in appearing before the hearings panel. I am not, and will not behave as, an advocate for my client. I am engaged by Z Energy as an independent expert and 4Sight provides planning services to Z Energy along with a range of other corporate, public agency and private sector clients. I have no other interest in the outcome of the proceedings.
- 3.2 I confirm that my evidence is within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions. I have not relied on the evidence or opinion of any other person, in preparing my evidence.

4. SCOPE OF EVIDENCE

- 4.1 The Centres Hearing (Hearing 4) covers a range of chapters under the PDP². Z Energy's submission as relevant to this Hearing, addresses matters within the City Centre Zone (CCZ), Metropolitan Centre Zone (MCZ), Mixed Use Zone (MUZ) and the Local Centre Zone (LCZ). My evidence addresses the following PDP provisions:
- (a) Policies relating to "potentially incompatible activities" in the CCZ, MCZ and the LCZ (being Policies CCZ-P2, MCZ-P4 and LCZ-P4).
 - (b) Policies relating to "quality design outcomes" or "quality design – neighbourhood and townscape outcomes" in the CCZ, MCZ and the LCZ (being Policies CCZ-P9, MCZ-P7 and LCZ-P7).
 - (c) Rules relating to Yard-Based Retail Activities in the CCZ, MCZ and the LCZ (being Rules CCZ-R15, MCZ-R16 and LCZ-R14).
 - (d) Rule MUZ-R1 relating to Commercial Activities in the MUZ.
 - (e) Standards for Minimum Building Heights in the CCZ and the MCZ (being Standards CCZ-S4 and MCZ-S2).
 - (f) Standards for to Verandah Controls, Active Frontage Controls and Non-Residential Activity Frontage Controls in the CCZ, MCZ, LCZ and the MUZ being:
 - (i) Verandah Controls – CCZ-S7, MCZ-S5, MUZ-S7 and LCZ-S5;
 - (ii) Active Frontage Control – CCZ-S8; and
 - (iii) Active Frontage and Non-Residential Activity Frontage Controls – MCZ-S6 and LCZ-S6.

² City Centre Zone, Neighbourhood Centre Zone, Local Centre Zone, Commercial Zone, Mixed Use Zone, General Industrial Zone, Waterfront Zone and Wind.

(g) In relation to all other submission points by Z Energy – the s42A reporting officer(s) recommends either accepting the submission points in full or in part, or recommends rejecting the point. Z Energy agrees with the recommendations in the s42A Report where they are accepted or accepted in part. Where a submission point is rejected by the s42A officer(s), and the point is not addressed in my evidence, Z Energy maintains its position from its primary submission. Refer to Appendix A for a full list of all submission points. I make no further comment on any other submission points.

4.2 Any amendments recommended in my evidence are made against the notified versions of the relevant PDP provision and not to the s42A recommended version(s), unless explicitly stated.

5. POLICIES – “POTENTIALLY INCOMPATIBLE ACTIVITIES”

5.1 Each of the CCZ, MCZ and the LCZ³ contains a proposed policy, that is similarly worded but not identical, which addresses “potentially incompatible activities” in each zone. Each of these three chapters’ policies identifies that yard-based retail activities are a “potentially incompatible activity”. Yard-based retail activities include service stations (as per the proposed definition in the PDP).

Z Energy’s Submission

5.2 In its primary submission points⁴, Z Energy sought to ensure that these policies do not limit the ongoing operation, maintenance or upgrade of existing yard-based retail activities, and to recognise that “some” yard-based retail activities (which includes service stations) are appropriate in these zones as they play key role in contributing to a well-functioning urban environment. Z Energy sought relief in the form of citing that it should be “new” activities that are potentially incompatible, and therefore only new activities that need to be the subject of and trigger for an analysis against each policy under section 104(1)(b) RMA, rather than existing yard-based retail activities.

Council’s s42A assessment and recommendation

5.3 The s42A reporting officer’s analysis provides that the policy will only apply to new buildings and activities. In the CCZ s42A report (paragraph 235) the following is stated:

I disagree with the proposed amendments to CCZ-P2 from Z Energy [361.104, 361.105]. With regards to their ‘new’ reference, I note that the policy will only apply to new buildings and activities. I also disagree with the addition of the word ‘some’ as this creates ambiguity and uncertainty for plan readers, applicants and consent planners as to which activities

³ There are possibly other similar policies in other commercial / business zones that I have not considered, and my evidence does not address.

⁴ Submission points 361.75, 361.76, 361.104, 361.105, 361.29 and 361.30.

are included. I note that the policy is about 'potentially' incompatible activities of which are not a permitted activity and thus need a resource consent to determine if this activity is appropriate for the site and whether it aligns with the CCZ's purpose.

- 5.4 Similarly, in relation to Z Energy's submissions⁵ to Policies MCZ-P4 and LCZ-P4, the s42A officer(s), generally, considers that the addition of the word "new" is not required because the policy will only apply to new buildings and activities⁶. The officer(s), add that there is no expectation that it retrospectively applies to existing buildings or activities⁷. The s42A officer(s) also disagrees with the addition of the word "some" in front of the relevant clause listing yard based retail activities as potentially incompatible. Their reason for this includes: "*In the absence of further clarification as to the nature of the activities covered by this term the requested change would create unnecessary interpretive uncertainty for developers and resource consent planners.*"⁸
- 5.5 The s42A recommendation is to reject all submission points as they relate to CCZ-P2, MCZ-P4 and LCZ-P4⁹.

Analysis

- 5.6 Service stations provide an essential service and my view is that they have a role to play in achieving a well-functioning urban environment¹⁰. Service stations provide a service for passer-by traffic, and they are often already located in a range of zones meaning customers / citizens rely on being able to service their vehicles in a safe, efficient and convenient manner, including in both residential and commercial / centre zones. As such, their ongoing operation and maintenance is essential to the function of existing urban environments and is therefore a matter that should be recognised in the planning/policy process.
- 5.7 Service stations predominantly offer fuel for the servicing of customer's vehicles, including petrol and diesel. Z Energy is, however, investing in alternative fuel technologies, including but not limited to, rolling out fast charging electric vehicle charging stations across many of its existing sites. This has already occurred at, for example, Z Vivian Street, and it is planned be installed at Z Miramar. I acknowledge that Z Energy has a submission to the Transport Chapter of the PDP which seeks to enable such infrastructure in that chapter, however I cannot at this stage make any further comment in relation to that hearing or process as I am not aware of Council's position on Z's submission points.

⁵ Submission Points 361.75, 361.76, 361.29 and 361.30.

⁶ Paragraph 98, MCZ s42A report and Paragraph 185, LCZ s42A report.

⁷ Paragraph 98, MCZ s42A report.

⁸ Paragraph 185, LCZ s42A report.

⁹ Appendix B to the s42A reports for each of the CCZ, MCZ and LCZ.

¹⁰ Has the meaning in Policy 1 of the NPS:UD.

- 5.8 I acknowledge the s42A reporting officer’s comment, in paragraph 235 of the CCZ report, addressing their view that the policy will only apply to *new buildings and activities*. This is similar to the position held in the s42A reports for the MCZ and the LCZ. It is unclear whether, as referred to in the CCZ s42A report, the “new” in paragraph 235 relates to buildings *and* activities, or just to buildings. If both, my view is that the relief sought by Z Energy is entirely appropriate given that the reporting officer has clearly clarified the intent of the policy and how it is to be applied to particular activities. The insertion of “new” as submitted by Z Energy, therefore, provides clearer direction to a plan user in particular during a policy assessment under s104(1)(b) RMA and I would argue is therefore a more effective response.
- 5.9 Part of the analysis provided by the s42A officer(s) in their reasoning as to why they do not consider relief sought by Z Energy is necessary, surrounds the matter of not having to retrospectively apply for consent for existing activities. The s42 officer in all cases has not addressed the activity of changes to existing yard based retail activities or buildings, such as maintenance, upgrades, additional or alterations to an existing service station. Given the officer(s) has/have already identified that the policy is not intended to catch all activities, only “new” activities, I consider that the change as sought by Z Energy in its submission is appropriate.
- 5.10 My view is that “new buildings” and “new activities” can be two quite different types of land use resulting in different potential effects and outcomes. This has a corresponding influence on whether or not something (the activity or the building) is incompatible, potentially incompatible or de minimis – and regarding the latter, such an activity should not need to be applicable in the context of what the policy seeks to achieve. A *new building* could include a new EV charger¹¹ at an existing service station - the service station being the lawfully established *activity* and the EV charger being the *building*. In this scenario, there is, in my view, no fundamental shift or change to the nature, scale or intensity of yard-based retail activities and operations at the site. Therefore, taking into account the existing environment principles, the activity is compatible because the activity is not shifting, in a general planning sense.
- 5.11 I consider that the policy wording as proposed in each of these zone chapters (CCZ, MCZ and LCZ) may still inadvertently restrict the upgrade or expansion of existing service stations, which is an unnecessary burden in terms of efficiency and effectiveness for such activities, which are often mandatory, such as upgrades and maintenance. I therefore consider the original relief sought by Z is appropriate.
- 5.12 My experience in working on many resource consent applications for service station

¹¹ This could typically measure 2.0 – 3.0m in height, approx. 0.5m in width, and less than 1m in depth.

activities across many districts, is that policies such as the three in question¹² can be open to interpretation, and therefore result in ambiguity for plan users, if it is not completely clear how each is intended to be applied. I consider this is problematic because the proposed new policy direction leads a plan user to consider an application, in a policy sense, as it relates to *any* activity. However, it has now been made clear by the council (in its s42A reporting¹³) that the intention is that the policy framework only applies to new activities, but no further amendments have been recommended by Council to respond to this. In my opinion, the issue of ambiguity raised within Z Energy's submissions to these policies still exists and the policies need to be made clearer and therefore amended.

5.13 The relief I seek is more effective as it better reflects the recommended changes to the yard-based retail activity rules (which now do not require a notified resource consent for *changes to existing* yard-based retail activities). Without the relief sought, there will be a disconnect between the rules and their key corresponding policies. The relief therefore provides better consistency throughout the cascade of the provisions in each zone. The yard-based retail activity rules are discussed in Section 7 below.

5.14 I agree that the inclusion of the word "some" could create uncertainty for a policy assessment especially if the notification rules are not amended in accordance with the relief sought below in relation to the yard based retail activity rules for each of these three zones (Section 7). In Section 7 below, I provide evidence highlighting that not all new yard based retail activities are necessarily incompatible with the zones. However, because each of these three "potentially incompatible activity" policies provide that if an analysis demonstrates that an activity will not have an adverse effect on the vibrancy and amenity values of the centre, it still may be *allowed*. Given that this clause in each policy already implies that some yard-based retail activities may be acceptable, I provide no further comment in relation to Z Energy's submission point seeking the inclusion of "some" into each policy.

Conclusion and Relief

5.15 For the reasons outlined above, I conclude that the policy as it stands is unclear and ambiguous as to its intent. To overcome that, and to provide improved connectivity throughout the PDP's policy and rule provisions, the word "new" needs to be inserted to the first paragraph of each policy.

5.16 I recommend the following relief for the following policies (my additions underlined):

Amend Policy CCZ-P2 as follows:

¹² CCZ-P2, MCZ-P4 and LCZ-P4.

¹³ Paragraph 235, CCZ s42A report, Paragraph 98, MCZ s42A report and Paragraph 185, LCZ s42A report.

“Only allow new activities that are potentially incompatible with the ... “

Amend Policy MCZ-P4 as follows:

“Only allow new activities that are potentially incompatible with the ... “

Amend Policy LCZ-P4 as follows:

“Only allow new activities that are potentially incompatible with the ... “

6. POLICIES – “QUALITY DESIGN OUTCOMES”

- 6.1 The CCZ, MCZ and LCZ each has a policy seeking to achieve quality design outcomes (CCZ-P9, MCZ-P7 and LCZ-P7), by, broadly, requiring new development and additions and alterations, to positively contribute to the sense of space and form, quality and amenity of the Zone.

Z Energy’s Submission

- 6.2 Z Energy’s primary submission¹⁴ supports the intent of each of the policies in each Zone but considered that they did not acknowledge the need to, in some situations, recognise that an alternative design response is necessary to cater for functional requirements of a range of activities, including existing service stations. Z Energy sought that the policy framework (covering Policies CCZ-P9, MCZ-P7 and LCZ-P7) be amended to reflect this outcome and sought the following relief: (f) *“recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.”*

Council’s s42A assessment and recommendation

- 6.3 In the assessment of Z Energy’s primary submission¹⁵ and relief sought to CCZ-P9, the s42A reporting officer states (Paragraph 283 of the CCZ s42A Report):

I do not recommend any changes as a result of submission points from Z Energy [361.112, 361.113]. In part this is because the relief sought is addressed through my recommendation to include reference to ‘operational need’ and ‘functional need’ as part of a new clause 3 of CCZ-P9. I also do not think it is necessary nor appropriate to carve out an exemption for certain activities in this policy. Particularly when this activity is identified as a potentially incompatible activity under CCZ-P2. It will be up to the consent planner through a resource consent application to determine if alternative design responses, and thus non compliance with standards, falls under the umbrella of ‘functional

¹⁴ Submission Points 361.112, 361.113, 361.79, 361.80, 361.33 and 361.34.

¹⁵ Submission Points 361.112 and 361.113.

need' or 'operational need'.

6.4 In the s42A report for the MCZ, the reporting officer, in paragraphs 125 and 126, states:

125 I disagree that the request to reference functional and operational needs within the policy is a necessary change to the policy. The PDP provides definitions of 'functional need' and 'operational need', which are as follows:

Functional need:

"means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment".

Operational need:

"means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints".

This change would require that these needs are taken into account in all cases, whereas within the assessment criteria they are only referenced in relation to specific standards. Essentially, the requested change would elevate the importance of operational and/or functional needs and may result in outcomes that are inconsistent with the purpose of the zone. Retaining the reference in the relevant standards allows decision-makers to take these into account but does not unduly elevate the importance of these. I recommend that the relief sought by McDonald's [274.45, 274.46] and Foodstuffs [476.41, 476.42] is rejected.

126. For the reasons set out at paragraph 125 above, I also disagree with the relief sought by Z Energy [361.79, 361.80] and recommend that these submission points are rejected.

6.5 In the s42A report for the LCZ, the reporting officer, in paragraph 212, states:

I consider that the submission points from Z Energy [361.33, 361.34] should be rejected. This is because the relief sought will be addressed through the inclusion of a new LCZ-P7.3, as recommended above.

6.6 In summary, in each of the three instances, the s42A officer rejects the submission point by Z Energy. In the case of the CCZ-P9 and LCZ-P7, the reasoning provided for the rejection, at least in part, is because the relief sought by Z Energy will be addressed through the inclusion of a "new clause" in each of the two policies. In the case of Policy MCZ-P7, no such reasoning is provided in the s42A report, and instead, the rejection position is because, amongst other things, the requested change would elevate the importance of operational and/or functional needs and may result in outcomes that are inconsistent with the purpose of the zone.

Analysis

6.7 Z Energy operates its existing service stations and truck stops in accordance with relevant petroleum industry guidelines, and must operate in accordance with HSWA and HSNO. Because of those operational requirements, the onsite urban design response is sometimes, by reason of necessity, limited. Many alterations and additions to existing service stations are undertaken for one or a combination of the following reasons:

- (i) necessary replacement and maintenance of infrastructure or facilities that treat, store or use hazardous substances,
- (ii) necessary repairs for the same, or
- (iii) the need to comply with existing, new and updated legislation or industry guidelines. The point here being that a service station is not static; i.e.: once developed (often a long time ago) the owner/operator must ensure that the site is up to standard, safe and efficient.

6.8 Where an activity involves upgrades, maintenance, replacement or repair of or to an existing service station, it is important to have at the district policy level, recognition that a design outcome may need to be influenced by another factor that is not already identified in the proposed policies, including the functional requirements of an existing service station. The reporting officer's statement that the change sought by Z Energy would require that these functional or operational needs be taken into account in all cases, is, in my view, not necessarily the case. I consider the additional clause proposed by Z Energy, and its consideration, would be applicable to a policy assessment only where there is a functional or operational need involved, which is unlikely to be applicable to every activity, in particular with the terms being clearly defined in the PDP. In my opinion, an addition or alteration to an *existing* service station is indeed a result of a functional need, i.e.: if there is an existing service station in a location already, that activity must be maintained and operated in accordance with relevant legislation and guidelines, such that there is no other reasonable alternative under the circumstances. This is particularly the case where the proposed activity is a result of requirements to comply with HSNO or other legislation / guidelines, e.g.: replacing an aboveground tank because it is not fit for purpose or guideline compliant anymore. In these types of situations the key driver for any activity proposed by Z Energy is because there is an existing service station at the site, and therefore, recognition of a functional need which is the result of existing circumstances at the policy level is appropriate, in my opinion.

6.9 I have been unable to find the change or reference to "operational need" and "functional need" as stated as being recommended by the reporting officer in the s42A reports for the CCZ or the LCZ. On that basis, there appears to be an error in the officers report and I provide no comment in response to this "amendment". I recommend that the relief sought by Z Energy is appropriate.

Conclusion and Relief

6.10 I consider the original relief sought by Z Energy to policies CCZ-P9, MCZ-P7 and LCZ-P7 is appropriate to recognise, at the policy level, that design outcomes may need be influenced by operational and functional requirements, in particular at exiting service stations. I consider this relief is more effective and efficient in achieving the objectives of the PDP, than not adopting the relief, because it enables a Plan user, in their Policy assessment, to turn their mind to functional requirements where necessary and appropriate. However, I acknowledge that it is not always necessary at the policy level to list out specific activities in this context, and as such I recommend that the amendment to each policy, without a specific reference to service stations, is the most efficient and effective option.

6.11 I recommend the following relief (underlined):

Amend Policy CCZ-P9 as follows:

“Require new development, and alterations and additions to existing development, at a site scale to positively contribute to the sense of place and distinctive form, quality and amenity of the City Centre Zone by:

1...

2 . *Ensuring that development, where relevant:*

...

(h) Recognises that alternative design responses are necessary for functional requirements of a range of activities, in particular, existing activities.”

Amend Policy MCZ-P7 as follows:

“Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone by:

1...

2 . *Ensuring that development, where relevant:*

...

(f) Recognises that alternative design responses are necessary for functional requirements of a range of activities, in particular, existing activities.”

Amend Policy LCZ-P7 as follows:

“Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Local Centre Zone by:

1. ...

2 . *Ensuring that development, where relevant:*

...

(f) Recognises that alternative design responses are necessary for functional requirements of a range of activities, in particular, existing activities.”

7. RULES - YARD BASED RETAIL ACTIVITIES, RULE ‘TRIGGERS’ AND NOTIFICATION

Z Energy’s Submission

7.1 In its primary submission ¹⁶, Z Energy supported the definition of yard-based retail activities, as notified. I support the definition as notified and the s42A officer’s recommendation (Overview and General Matters report) to retain the definition as notified and I provide no further analysis as I do not consider it is necessary.

7.2 Z Energy made multiple primary submission points¹⁷ across various zones seeking the removal of the mandatory notification requirement from the rules for yard-based retail activities in the CCZ, MCZ and LCZ. These are identified in the PDP as proposed rules CCZ-R15, MCZ-R16 and LCZ-R14. The relief sought by Z Energy in these submission points was two-fold where Z Energy sought two different exceptions to the notification requirement rule (exceptions (a) and (b)); that sought for the CCZ chapter (which is the same as for the MCZ and LCZ) is as follows (additions sought by Z Energy are underlined):

Notification Status: An application for resource consent made in respect of rule CCZ-R15 must be publicly notified except:

a. The activity relates to the maintenance, operation and upgrading of an existing activity;

b. The new or existing activity adjoins another commercial zone, a residential zone or an arterial or collector Road.

7.3 Z Energy’s reasoning for the first exception (a) is that the mandatory notification requirement would have unintended consequences that are potentially disproportionate to the scale of effects for any operational change, upgrading or maintenance to an existing

¹⁶ Submission Point 361.8.

¹⁷ Submission points 361.119, 361.120, 361.85, 361.86, 361.39 and 361.40.

yard-based retail activity. In these circumstances (i.e.: changes and upgrades to existing activities), Z Energy considered it more appropriate to determine notification through the standard RMA notification tests at the application stage.

- 7.4 Z Energy's submission also sought the removal of the mandatory notification requirement from the rules (within the CCZ, MCZ and LCZ) for new or existing yard-based retail activities where such activities adjoin another commercial zone, a residential zone or an arterial or collector Road (relief (b)). Z Energy's reason for this relief is that these locations do not have the same expectations of urban design outcomes and levels of visual amenity compared to a more centrally located site in the zone / centre. Z Energy's submission states further that when located at the edge of the zone, the new yard-based retail activity can be appropriately transitioned into the adjoining zone.

Council's s42A assessment and recommendation

- 7.5 The s42A officer(s)¹⁸ agree with Z Energy in relation to its submission points relating to not needing to require notification for existing activities (relief (a)), and has recommended to remove the mandatory notification requirement for existing yard-based retail activities by amending the relevant rules as follows (generally, the s42A reporting and recommendations are prepared individually however I have bundled the rules below):

Activity status: Discretionary

Notification Status: An application for resource consent made in respect of rule [CCZ-R15.1, MCZ-R16.1, LCZ-R14.4] must be publicly notified except when:

*a. The activity relates to the maintenance, operation and upgrading of an existing activity.*¹⁹

- 7.6 The s42A reports disagreed with the exemption from notification for a new yard-based activity where it is located at the periphery of the zone and/or adjacent to a different zone (relief (b)). In particular, the s42a reports noted that (paragraph 385 of the CCZ s42A report):

In my view it is these zone interfaces that the District Plan seeks to protect, and quality urban design outcomes should be encouraged in these locations. I agree that yard-based activities adjacent to arterial or principal roads will potentially be appropriate, and the underlying policy framework establishes that these activities are 'potentially incompatible' within the CCZ. As such, I consider that the mandatory requirement for public notification is appropriate as it discourages these activities from occurring within the zone at the expense of more appropriate activities.

- 7.7 The recommendations of the reporting officer(s) for each of the three zones in question,

¹⁸ s42A reports for the CCZ, MCZ and LCZ (paragraphs 384, 205 and 304 respectively).

¹⁹ Appendix A to each s42A report for the CCZ, MCZ and LCZ.

is to reject the relief (b) as sought by Z Energy identified in submission points 361.86, 361.40 and 361.120.

Analysis

- 7.8 I support the recommendations by the s42A officer in relation to relief (a). There has been no clear rationale or evidence that an alteration, addition or change to an existing activity such as an existing service station, will have or is likely to have more than minor adverse effects on the environment including undermining the planned character or urban design objectives (for example) of the PDP. Therefore, in my opinion, a rule requiring public notification in these instances is unwarranted.
- 7.9 My understanding is that a rule in a plan can expressly provide that the application must be notified or must not be notified or limited notified (s77D RMA). I have reviewed the Council's s32 report which does not appear to address this matter in any detail using section 32 RMA. The S32 report – Part 2 which includes the CCZ, page 158, states: *“Council’s policy position is to deter yard based retail in the CCZ and seek efficient use of land consistent with the NPS-UD requirement for intensification and growth in residential accommodation”*. The Council, in its s42A report for the CCZ, has stated that the requirement *“discourages these activities from occurring within the zone at the expense of more appropriate activities”*.
- 7.10 In my opinion, providing mandatory public notification should at least have that position justified and tested through an analysis under section 32 RMA, to demonstrate that a resource consent for the activity would more than likely be notified in most, if not all, circumstances due to the nature of the activity – its scale, type and extent of effects and/or special circumstances (such as significant public interest). From what I have reviewed (s42A and s32 reports) there has been no clear rationale or evidence that a service station located on the end of a zone and/or located on a collector / arterial road, will have or is likely to have more than minor adverse effects on the environment to therefore justify mandatory public notification. In my opinion, there is no evidential basis for this response to be imposed upon new Yard-based retail activities, including service stations in these locations.
- 7.11 In my opinion, new yard-based retail activities located at the periphery of the zone or which are adjacent to an arterial or collector road can be an appropriate location for the new activity, or redevelopment of existing, such that such an application should not necessarily be required to be notified. Potential adverse effects including traffic, visual amenity and character and effects on pedestrian enjoyment, urban form and design are, in my opinion, less significant or intense, when the existing environment displays transitional zoning or contains a main road. I consider that applying the standard notification tests at the application stage to the activity located on an arterial or collector

road and/or on the edge of a zone, is acceptable as it allows the assessment to be based on the effects of the proposal and the compatibility with the zoning in which it is located or adjacent to.

- 7.12 Based on my experience with consenting a range of service station activities at similar, yet already established sites²⁰, these locations (busy roads) and/or interfaces (zone boundaries) do not have nor should they necessarily expect the same urban design outcomes and levels of visual amenity and character compared to a centrally located site in the CCZ, for example. A service station, for instance, may not adversely impact the function and vitality of a centre zone if it were located on the edge of the zone where it can appropriately transition to an adjoining zone.

Conclusion and Relief

- 7.13 Overall, requiring public notification of some yard based retail activities in some locations, in my opinion, incorrectly assumes incompatibility of all activities. Outcomes of the blanket notification approach means the rule will result in an elevated consenting risk, resulting in inefficiency, ineffectiveness and unnecessary cost implications for both Council and applicants from the consenting process. Such applications can be assessed based on the effects on the environment under s95 RMA. My view is that the relief recommended below provides a more appropriate and effective way to manage yard based retail activities, and make decisions about them, in the CCZ, MCZ and LCZ.
- 7.14 Acknowledging that the s42A officer has already recommended exemption (a) below (single underline) for each of the three zones in question, I recommend the following change to the relevant rules (my additions double underlined):

“Yard-based retailing activities

.....

Notification Status:

An application for resource consent made in respect of rule [CCZ-R15, MCZ-R16, LCZ-R15], must be publicly notified except when:

- a. *The activity relates to the maintenance, operation and upgrading of an existing activity, and/or*
- b. *The activity relates to the development of a new activity that is located at the*

²⁰ Such as the Z Energy Service Station in Alexandra (now exited) previously located at 107 Tarbert Street (State Highway 85) located in the Business Zone and adjacent to the Residential Zone and a dwelling.

periphery of the zone and/or adjacent to an arterial or collector road.

8. RULE – COMMERCIAL ACTIVITIES IN THE MIXED USE ZONE

- 8.1 MUZ-R1 – Commercial Activities, in the PDP, permits all commercial activities²¹ where the activity is not an integrated retail activity and is not a supermarket.

Z Energy's Submission

- 8.2 Z Energy, in its submission²², supports Rule MUZ-R1 in part and considers it should be clarified whether a yard-based retail activity would sit within this rule framework, as yard based retail activities do not have a specific rule in the MUZ, or whether they are caught as “all other activities” under rule MUZ-R13.

Council's s42A assessment and recommendation

- 8.3 In the MUZ s42A report, paragraph 127, the s42A officer has stated the following: *Regarding the submission from Z Energy Limited [361.61] seeking clarification on whether MUZ-R1 covers yard-based retail, I disagree that the rule framework for yard-based retail needs clarification on the sole basis that these are referred to separately in other CMUZ. Notably, in the MCZ, LCZ and NCZ yard-based retail activities are 'potentially incompatible' with the zone, and the corresponding rules require that a Discretionary activity resource consent is obtained for any such activities. Conversely, yard-based activities are considered appropriate to locate within the MUZ. I am satisfied that the relief sought by the submitter is unnecessary as MUZ-R13 would capture and provide for these to be a Permitted activity, subject to meeting the requirements of any building rule (ie MUZ-R16, MUZ-R18). MUZ-P2 indicates that these activities are acceptable in the MUZ where these are “of an appropriate nature, scale and intensity for the zone and hierarchy of centres”.*
- 8.4 In summary, the s42A officer has stated that yard based retail activities are appropriate in the MUZ. The officer has also stated that rule MUZ-R13 would capture and provide for “these” to be a permitted activity.

Analysis

- 8.5 My understanding of the matter sought for clarification by Z Energy in this instance, is whether yard based retail activities (which are defined in the PDP and which includes

²¹ Defined as: *means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).*

²² *Submission Points 360.60 and 361.61.*

service stations) are commercial activities (also defined, refer footnote 23).

- 8.6 Commercial activities include any activity trading in goods, equipment or services. A service station, being a retail activity, trades in goods and services and therefore my interpretation is that a service station meets this definition. On that basis, unless there is another rule in the MUZ which is more specific to a service station, such as a rule for yard-based retail activities, which there is not, a service station is applicable under Rule MUZ-R1. The “catch-all-other” rule (Rule MUZ-R13 – all other activities) therefore is not applicable. My opinion is that service stations are to be considered under rule MUZ-R1.
- 8.7 I also note that the reporting officer, in paragraph 127, appears to imply that MUZ-R13 is somehow related to yard based retail activities and is a permitted activity. In reviewing Rule MUZ-R13 (as notified) this is not my understanding. Rule MUZ-R13 is a “catch-all-other” rule and is a discretionary activity.
- 8.8 Regardless, the point made in paragraph 8.6 above negates the need to consider Rule MUZ-R13 any further, in relation to the clarification sought by Z Energy.

Conclusion and Relief

- 8.9 In terms of the PDP’s definitions (all previously defined or described in my evidence) service stations are yard based retail activities and yard based retail activities are commercial activities. A service station is therefore a relevant activity under Rule MUZ-R1 – Commercial Activities.
- 8.10 No specific relief is sought or necessary, however it may assist the Panel if Council could confirm the position outlined in paragraph 8.9 above.

9. STANDARDS – MINIMUM BUILDING HEIGHT

- 9.1 Standard CCZ-S4 (minimum building height) seeks to enable a higher density of activities in the city centre by requiring buildings of greater heights (22m as proposed) than other zones. This minimum height standard applies to every new ‘building’ or ‘structure’, which are both defined in the PDP and essentially includes any physical object that is fixed to the ground with no qualifying dimensions.
- 9.2 Similarly, Standard MCZ-S2 (minimum building height) requires a minimum height of 7m for all new buildings or structures in the zone and for additions to the frontages of existing buildings and structures.

Z Energy’s Submission

- 9.3 Z Energy, in its primary submission²³ to MCZ-S2 and CCZ-S4, noted that these

²³ Submission points 361.122, 361.123, 361.87 and 361.88.

performance standards would apply if Z Energy were seeking consent for a building or structure. It requires buildings are built up to the street edge along the full width of the site, that glazing is provided and that the principal entrance is located on the front road boundary. Z Energy, in its submission, stated that this is not practical in the context of a service station, where the buildings on the site are usually a canopy over the refuelling area and the ancillary retail building to one side or to the rear. Z Energy stated that the standard does not recognise the operational and functional requirements of existing service stations and sought amendments in the form of exceptions to having to comply with the standards.

Council's s42A assessment and recommendation

- 9.4 In reviewing the relevant s42A reports covering chapters that Z Energy has submitted on, I note that the planning officers have reached, what appears to be, contradictory positions on the relief sought by Z Energy.
- 9.5 In paragraph 582 of the s42A report for the CCZ, the officer disagrees with Z Energy's submission points [361.121, 361.122] stating *"I consider that the suggested amendment in their submission undermines the CCZ policy direction for efficient optimisation of land, and also the NPS-UD Policy 3(a) direction to maximise development capacity in City Centres"*. Paragraph 583 of the same report, states the following:
- "...service stations are defined as a yard-based retail activity and in the CCZ are seen as potentially incompatible activities under CCZ-P2 and are therefore Discretionary Activities. This is due to new service stations being deemed to be an inefficient use of CCZ land, in which higher density land uses are anticipated under the policy and rule framework. However, I appreciate existing service stations need to be able to be maintained. Accordingly, I consider that a carve out for service stations or 'any ancillary building or structure unable to be occupied by people' is inappropriate, and any such activity needs to be subject to CCZ-S4 minimum building heights without exceptions."*
- 9.6 Conversely, in Paragraph 283 of the s42A report for the MCZ, the officer agrees with Z Energy [Submission points 361.87, 361.88] that there is *"...no need to apply the minimum height to buildings that will not be occupied and are ancillary to the primary use of the site. Providing an exemption from the minimum height standard for these buildings will allow for ancillary activities to be accommodated on a site while ensuring that the primary building remains the most visibly prominent building and reducing the overall bulk of built development"*. In paragraph 284, the reporting officer recommends that the standard does not apply to (1) accessory buildings, ancillary to the primary activity on the site; and (2) any building or structure that is unable to be occupied by people.
- 9.7 Whilst it is accepted that it may be that the Council has not been "contradictory" as alluded

to in paragraph 9.4 above, there is no clear explanation in the s42A reports why the relief has been accepted in one zone and not the other. Because of that, it is unclear whether or not the different recommendations are intentional.

Analysis

9.8 Having been involved in a number of additions, alterations, changes and upgrades at existing service stations, I consider that some accessory buildings or structures to support existing lawfully established activities need not always be the subject of the same urban design and planning tests and analysis (i.e.: a resource consent) compared to a new development or a redevelopment in a centre.

9.9 My reading of Standard CCZ-S4 is that a resource consent will be required for any of the following types of activities, if those new buildings or structures do not have a minimum height of 22m:

- (a) an above ground stormwater reuse tank at an existing commercial site;
- (b) a replacement or new fuel pump;
- (c) a new rubbish bin;
- (d) an outdoor bench for staff to sit on during breaks; or
- (e) a small cabinet or transformer that is located on the site and is NOT operated by a network utility operator and therefore does not enjoy the benefits of the Infrastructure Chapter.

This list could go on.

9.10 Whilst wholly fanciful, if any of the above buildings / structures were 22m in height, they would comply with the Standard and not trigger a need for a resource consent, in particular if associated with a permitted activity such as a commercial activity. I highlight this not because I consider it a consenting loophole per se, rather I am highlighting that there is, in my opinion, an identified gap in the consideration, analysis and application of this method of requiring minimum building heights in zones. The Standard may unduly restrict nominal activities that may otherwise be permitted from being undertaken without a consent. In my experience, applying for a resource consent for non-compliance with these types of standards for ancillary / small / trivial structures and buildings at service stations (where there is more often than not, a functional requirement both for the activity in principal and its design and location), does not elicit any additional information, change the design outcome, nor does it benefit any person or the environment. I find such a process to be ineffective and inefficient. On this basis, I consider that a permitted pathway for these types of activities is appropriate and needed.

9.11 My position, therefore, is that buildings that will not be occupied and which are ancillary

to the primary use of the site, regardless of the urban design outcomes of the zone, should be excluded from having to comply with Standard CCZ-S4. I propose alternative relief below for the Panel's consideration.

- 9.12 I do, however, fully agree with the reporting officer's recommendation in relation to Standard MCZ-S2 as outlined in paragraph 284 of the s42A report for the LCZ.

Conclusion and Relief

- 9.13 The way in which CCZ-S4 is currently written captures all and any structure(s), and requires them to have a minimum height of 22m. My opinion is that a more effective and efficient response to this issue, is that the minimum height standard relates to redevelopment of a site, and not small-scale upgrades, alterations and maintenance. I therefore recommend the Panel adopts the following relief (additions underlined):

Amend Standard CCZ-S4 (Minimum building height) as follows:

“...

This standard does not apply to:

- 1. Any site adjoining a site located within a character precinct or Residentially Zoned Heritage Area and thus subject to CCZ-S3; and*
- 2. Any site within the Te Ngākau Civic Square Precinct*
- 3. Any ancillary building or structure unable to be occupied by people.”*

- 9.14 That MCZ-S2 (Minimum building height) is amended as detailed in paragraph 284 and Appendix A of the MCZ s42A Report.

10. STANDARDS - VERANDAH'S, ACTIVE FRONTAGES AND NON-RESIDENTIAL FRONTAGE CONTROLS

- 10.1 The PDP proposes Verandah, Active Frontage and Non-Residential Frontage Controls on identified sites/corridors in the city, which traverse multiple zones. Z Energy has few sites affected by these Controls or the corresponding standards. The controls, inter alia, require a front boundary Verandah to be constructed as part of a proposed development, or require all new buildings to be built up to the street boundaries and along the full width of a site, with additional design controls / standards applicable such as glazing and entrance locations.

Z Energy's Submission

- 10.2 In relation to the applicable Verandah Standard in each of the CCZ, MCZ, LCZ and MUZ,

Z Energy, in its primary submissions²⁴, sought options for relief (which differs across each of the four zones and submissions), but generally is in the form of (a) an exclusion to complying with the standard for buildings where there is a functional requirement to not include a Verandah, (b) excluding service stations, or, alternatively, (c) including a new assessment criteria.

- 10.3 In relation to the Active Frontage and Non-Residential Frontage Controls, Z Energy's primary submission points²⁵ broadly seek that where there is a functional requirement for buildings to be set back from a street edge, which should be enabled in the PDP by way of an exclusion to having to comply with these standards.

Council's s42A assessment and recommendation

- 10.4 The section 42A reporting officer agrees in part with the relief sought by Z Energy in relation to option (b) (an exclusion for service stations) for each of the proposed 'Verandah' standards²⁶ and recommends the relief is accepted in part. Rationale for this recommended position provided in the CCZ s42A report follows:

617. Given that the nature of service stations is to have a building set back from the road (or potentially no building at all depending on if the service station is unmanned or self-service and without any associated retail or commercial service), with an open forecourt, I consider that Option B is the more appropriate option.

618. As service stations are dispersed throughout the city, are relatively limited in number, and are considered 'potentially incompatible' activities in the CCZ, the exemption would only apply in a limited number of circumstances within the CCZ. CCZ policy direction and provisions seek to enable an efficient utilisation of sites, and a service station would be a Discretionary Activity not only under Rule CCZ-R15 Yard-based retailing activities, but also under CCZ-R20 for not complying with CCZ-S4 Minimum building height.

- 10.5 Similar sentiments are provided in paragraphs 302-303 of the MCZ s42A report, paragraph 414 of the LCZ s42A report as well as in the MUZ s42A report (paragraph 265). I agree with the s42A officer's analysis.
- 10.6 In relation to the Active Frontage and Non-Residential Frontage Control standards²⁷, the s42A officer's recommendation appears to accept the relief sought by Z Energy in one chapter (the CCZ, in relation to its Active Frontage Control Standard, – refer Paragraph 643 of the CCZ s42A report) but recommends rejecting the submissions in the other

²⁴ Submission Points 361.64, 361.65, 361.66, 361.123-126, 361.89-92 and 361.41-44.

²⁵ Submission Points 361.127-129, 361.93-94 and 361.45-46.

²⁶ Standards CCZ-S7, MCZ-S5, LCZ-S5 and MUZ-S7.

²⁷ Being Standards CCZ-S8, MCZ-S6 and LCZ-S6.

chapters²⁸.

- 10.7 Frontage Control in the CCZ (Standard CCZ-S8), Appendix A to the s42A report shows that the recommendation by the officer is to “accept” Z Energy’s submission point (page 25 of 30). Appendix B however, states that submission point 361.129 (CCZ-S8) is “rejected” (refer Page 87 of 106). Clarity by the Council is required in this regard.
- 10.8 In accepting the relief for the CCZ-S8 Standard, the reporting officer (paragraph 642) acknowledges that service stations are not able to provide built from up to a street edge nor provide a continuous facade for functional, operational and service requirement reasons. The recommendation in paragraph 651 of the same report recommends service stations be excluded from the standard. The officer/council does not hold the same view for the other zones. It is unclear whether the same person or different people authored the reports, but I do question this approach. I consider the reasoning by this s42A officer is valid and applicable for all service stations in all centre zones.
- 10.9 Secondly, paragraph 427 of the LCZ s42A states that it is recommended that the submitter’s (Z Energy’s) request for an exemption [361.46] is rejected. However, in reviewing Appendix A to that report, Standard LCZ-S6 appears to recommend including a version of the requested exception. So, whilst the recommendation by the s42A officer is not exactly what Z Energy requested for this particular submission point, and therefore may still be ‘rejected’ in that sense, the disagreement with the rationale in the assessment section of the LCZ s42A report (Paragraph 427), is confusing and the Council’s position should be clarified for the Panel.

Analysis

- 10.10 Subject to Council officers confirming their position on the relief sought by Z Energy to the above provisions, I have undertaken my own analysis below.
- 10.11 Based on the operational and functional needs of service stations, I consider this exclusion should be adopted for the other zones (MCZ and LCZ) as well as the CCZ. This would, in my opinion, avoid unnecessary resource consent applications for any new or altered buildings on existing service station sites or that are related to existing service station activities, in these zones. In my opinion, having to obtain a resource consent for ancillary buildings (for example) where there is a functional need for this building to be developed without a Verandah introduces cost inefficiencies for Companies like Z Energy and is not the most appropriate way to achieve the purpose of the RMA or the objectives of the PDP.
- 10.12 At the date of writing this evidence I am personally working closely with Z Energy on an

²⁸ refer paragraph 317 of the MCZ s42A report and paragraph 427 of the LCZ, s42A report – each relating to the Active Frontage and Non-Residential Frontage Control Standards.

application for resource consent where Z Energy is proposing to install EV charging equipment, with a small canopy over the infrastructure, at its existing service station in Picton. The site is located in a commercial zone on High Street, Picton. Rule 9.2.1.1 of the Proposed Marlborough Environment Plan (Appeals Version) (PMEP), which is relevant to the site, requires buildings to be built on the front boundary with no set back from the road boundary. For this activity at the Z Energy Picton Service Station, a resource consent is therefore required because the building is not strictly located on the front boundary. It is, however, proposed to be located only marginally set back from the front boundary (by approximately 2.0 m). The primary reason for the set back is to retain the existing landscaping in this locality. Refer Appendix B - Picton for some images which show this in context.

10.13 If Z Energy were to remove the existing landscaping and construct the buildings on the front boundary, it would technically comply with the Rule and no resource consent would be required²⁹. In my opinion, such an outcome is not the most appropriate, efficient or effective planning, design and amenity outcome under the circumstances, and complying with the Permitted Activity rule would clearly have unintended consequences for this site and surrounding streetscape. In the context of the existing environment on many commercial sites that I am familiar with, my opinion is that small buildings should, in fact, not be required by a district plan to be built up to the front boundary because, as is evident above, existing landscaping may be lost, and in many cases, it will make more sense from an economic, environmental and social perspective if the smaller building is less visually obvious from a road, such as on the rear boundary or behind an existing building.

10.14 I therefore consider the standard should only relate to new developments or significant redevelopments, and not to smaller scale additions or new buildings.

10.15 At paragraph 427 of the LCZ s42A report, the following is stated:

However, given the purpose of the standard is to encourage high levels of interaction between the private and public environment, I consider that it is appropriate that building that do not meet the requirements of the standard are subject to a resource consent. This allows the Council to undertake an urban design assessment and work with the developer to provide a high quality building, within the constraints imposed by the activity the building provides for.

10.16 I disagree with the above position reached by the s42A Reporting Officer for the reasons discussed below.

²⁹ The activity is a permitted activity under all other PMEP rules and the National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health.

- 10.17 Z Energy's primary submission³⁰ seeks to exclude the requirement for existing service stations to meet the Active Frontage Control and Non-Residential Activity Frontage Control Standards for accessory buildings. It is my experience that buildings along the frontage of service station sites, where there are existing vehicle crossings and signage, need to be avoided so that the forecourt is visible for passing motorists and so that the signage is clearly visible from a reasonable distance away.
- 10.18 Service stations, as a predominantly vehicle-oriented activity, if already existing in such an environment, are rarely going to be able to both, (a) comply with these types of District Plan Standards, and (b) comply with Industry Regulations³¹.
- 10.19 Buildings located on the front road boundary of an existing service station are likely to:
- (a) Require removal of existing landscaping;
 - (b) Block the view of signage; veranda
 - (c) Block the view into the forecourt;
 - (d) Block visibility for vehicles entering and exiting the site;
 - (e) Be difficult to achieve at an existing service station as Z Energy will not be able to build over existing underground infrastructure including the oil-water separator, purpose-built stormwater drainage; and
 - (f) Be difficult to achieve at a service station site, a vehicle-oriented activity, taking into account the vehicle crossings along each of the service station frontages and visibility of signage. In practice, even if you exclude the length of existing crossings from the length of road frontage at a typical service station site, and still apply the standard, and then make an accommodation for visibility of signs (which is mandatory), a considerable portion of that frontage simply cannot be built on. My view is that these requirements make an existing service station having to obtain a resource consent under the frontage standards not the most appropriate way to achieve the purpose of the RMA.
- 10.20 Maintaining visibility of signage, the forecourt and at vehicle crossings is particularly important in terms of maintaining safe and efficient movement of vehicles. Drivers have to be able to see the prices of fuel along the frontage from some distance as that is often a key trigger as to whether drivers initially decide to enter a site or not. Then, when a motorist is close to the site, they need to be able to see the forecourt. A motorist faced

³⁰ Submission Points 391.127, 391.128, 391.129, 391.93, 391.94, 391.45 and 391.46.

³¹ For example, regulations requiring the price of fuel to be displayed in a manner visible for passing motorists at stated distances, health and safety regulations, HSWA, HSNO, MfE stormwater guidance for petroleum industry sites etc.

with a busy forecourt often chooses not to stop. Finally, a motorist needs sufficient visibility to be able to make a safe decision to turn into or out of a site, often from busy lines of traffic and /or into short breaks in traffic. Buildings along service station frontages can complicate these decisions and decrease site safety.

10.21 In the context of Z Energy's submission, which raised questions as to how these standards could be applied to an existing service station development, a minimum 22m high building (Standard CCZ-S4 as addressed in Section 9) located up to the road frontage could seek to achieve compliance with these standards. However, when applied to an existing service station could result in a built form and streetscene effects that is not anticipated within these zones for the reasons set out in para 10.19. I have provided a photo and a Google Street View image of the existing Vivian Street Service Station below to assist the argument from a visual perspective. The service station is located in the CCZ under the PDP and the Vivian Street road frontage (on the right-hand-side in Figure 1 below) contains the Active Frontage Control and the Verandah Control. Whilst still operating, my opinion is that it is not an efficient or effective outcome to require buildings to be located on the Vivian Street road frontage at an existing service station such as this one.



Figure 1: Photo of Z Energy Vivian Street Service Station located on the corners of Vivian Street (SH1) and Claytons Avenue. Photo taken in 2013 during the “opening” of the service station following a comprehensive redevelopment of the site.



Figure 2: Google Street View Image capture facing east on Vivian Street / SH1, image captured in November 2022.

10.22 There may, however, be other unintended consequences for other types of existing land uses that do not require such visibility of forecourts and signage. An example may be where an existing commercial site in the LCZ, which contains the Active Frontage Control (and therefore does not have a minimum building height standard), is looking to redevelop its storage and refuse area so as to be housed in a new structure or enclosed by a fence. This is a common and non-fanciful activity in my view and is applicable to service station activities also. To avoid a resource consent, if that refuse store (being a structure as defined in the PDP) is placed on the front boundary identified as the “Active Frontage”, the activity is permitted under Standard LCZ-S6 and Council holds no discretion to request, on urban design or any other grounds, the structure is kept to the rear of the site. Moreover, if there is existing landscaping at this site, which could include established trees, that will require removal to comply with the standard³².

10.23 As such, I strongly urge the Panel to consider the potential unintended consequences and outcomes of these types of building controls, and to adopt the relief I recommend in paragraph 10.26 below so that, as a minimum, where the permitted standards cannot be applied for other reasons (such as the need to comply with industry regulations) a resource consent need not be required under the standard. If this exclusion were to only apply to existing service stations, where the majority of activities at established sites include repair, maintenance, replacement, upgrades, minor additions and ancillary

³² This also brings into question a consent holders’ ability to comply with existing conditions on their resource consent(s), if an activity operates lawfully under a consent, which is quite common. In commercial zones, there are often conditions protecting front boundary landscaping, so, to comply with this Permitted Activity standard may consequentially require a section 127 RMA variation.

buildings, in my experience, there will be little to no urban design consequences or adverse effects.

10.24 In my experience, faced with a redevelopment or alteration at a service station that triggers a need for consent in a zone such as this where there is a building-location rule such as these, the expectation of the processing planner can often be that the building is provided on the frontage. For some buildings such as a rainwater tank, or power infrastructure buildings, whilst nominal in their own right, these can have more of an adverse effect on the character and visual amenity of the streetscene compared with if the building were able to be set back from the road or hidden.

Conclusion and Relief

10.25 In my opinion, there is no environmental, economic, social or cultural benefit in applying these active frontage and non-residential activity frontage controls to existing service station sites where the proposed activity relates to an accessory building, alterations, maintenance or upgrade, replacement buildings, or additions to existing buildings. I consider that going through a resource consent process for these types of activities is inefficient, ineffective and therefore not the most appropriate way to achieve the objectives of the PDP.

10.26 I therefore urge the panel to adopt the following relief (my additions underlined):

Amend CCZ-S8 (Active frontage control) as follows:

"1. Any new building...

....

Except: This does not apply to any heritage building identified in SCHED1-heritage buildings or service stations;

and

..."

Amend MCZ-S6 (Active frontage and non-residential activity frontage controls) by including the following exception:

"1. Any new building...

....

Except that this does not apply to existing service stations.

..."

Amend LCZ-S6 (Active frontage and non-residential activity frontage controls) by including the following exception:

"1. Any new building...

....

Except that this does not apply to existing service stations.

...”

11. SUMMARY OF RELIEF SOUGHT

11.1 Refer to **Appendix C** for a tabled breakdown of the relief sought through my evidence.

Sarah Westoby

12 June 2023

List of Appendices

Appendix A – Summary of Z Energy’s Submissions

Appendix B – Picton EV Details

Appendix C – Tabled Relief

APPENDIX A – SUMMARY OF Z ENERGY’S SUBMISSIONS AND S42A RECOMMENDATIONS

Purple shaded submission points = addressed in evidence.

Submission Point No.	PDP Provision	Z Energy’s Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
Overview and General Matters for Commercial and Mixed-Use Zones					
361.7	Definition – Service Station	Support	Retain the definition of ‘Service Station’ as notified.	Accept	Not addressed in evidence <i>This definition is not in the corresponding Appendix B for this topic but is in the Overview and General Matters s42A report.</i>
361.8	Definition – Yard Based Retail	Support	Retain the definition of ‘Yard Based Retail’ as notified.	Accept	Not addressed in evidence. <i>This definition is not in the corresponding Appendix B for this topic but is in the Overview and</i>

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
					<i>General Matters s42A report.</i>
361.83	MCZ-P10	Support in part	Retain MCZ-P10 (City Outcomes Contribution) with amendment	Accept in part.	<p>Not addressed in evidence.</p> <p><i>This Submission Point is listed in, and copied from Appendix B of the General Matters and Overview s42A. It is not within the corresponding s42A main report.</i></p> <p><i>This point is also included in the MCZ section of this table.</i></p>
361.84	MCZ-P10	Amend	<p>Amend MCZ-P10 (City Outcomes Contribution) as follows:</p> <p>Require over height, large-scale residential, non-residential and comprehensive development in the Metropolitan Centre Zone to deliver City Outcomes Contributions as detailed and scored in the</p>	Reject.	<p>Not addressed in evidence.</p> <p><i>This Submission Point is listed in,</i></p>

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			<p>Centres and Mixed Use Design Guide guideline G107, while recognising the existing environment including through either:</p> <ol style="list-style-type: none"> 1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or 2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or 3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or 4. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or 5. Enabling ease of access for people of all ages and mobility. <u>6. Recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.</u> 		<p><i>and copied from Appendix B of the General Matters and Overview s42A. It is not within the corresponding s42A main report.</i></p> <p><i>This point is also included in the MCZ section of this table.</i></p>
Part 1: City Centre Zone					
361.95	Chapter	Support	Retain the City Centre Zone chapter as notified.	Accept	Not addressed in evidence
361.96	CCZ-01	Support	Retain Objective CCZ-01 (Purpose) a notified	Accept	Not addressed in evidence
361.97	CCZ-02	Support	Retain Objective CCZ-02 (Accommodating growth) as notified.	Accept	Not addressed in evidence
361.98	CCZ-03	Support	Retain Objective CCZ-03 (Urban Form and Scale) as notified.	Accept	Not addressed in evidence
361.99	CCZ-04	Support	Retain Objective CCZ-04 (Ahi Kā) as notified.	Accept	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.100	CCZ-05	Support	Retain Objective CCZ-05 (Amenity and Design) as notified.	Accept	Not addressed in evidence
361.101	CCZ-06	Support	Retain Objective CCZ-06 (Development near rapid transit) as notified.	Accept	Not addressed in evidence
361.102	CCZ-07	Support	Retain Objective CCZ-07 (Managing adverse effects) as notified.	Accept	Not addressed in evidence
361.103	CCZ-P1	Support	Retain CCZ-P1 (Enabled activities) as notified.	Accept	Not addressed in evidence
361.104	CCZ-P2	Support in part	Retain CCZ-P2 (Potentially incompatible activities) with amendment.	Reject	Addressed in evidence with relief sought
361.105	CCZ-P2	Amend	Amend CCZ-P2 (Potentially incompatible activities) as follows: Only allow <u>new</u> activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include: 1. Industrial activities; 2. <u>Some</u> yard-based retail activities; 3. Carparking at ground level; 4. Demolition of buildings that result in the creation of vacant land; and 5. Ground floor residential activities on streets identified as having either an active frontage or verandah coverage and in any identified hazard risk areas.	Reject	Addressed in evidence with relief sought
361.106	CCZ-P3	Support	Retain CCZ-P3 (Heavy industrial activities) as notified.	Accept	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.107	CCZ-P4	Support	Retain CCZ-P4 (Housing choice) as notified. <u>As drafted in the PDP:</u> Housing choice <i>Enable high density, good quality residential development that:</i> <i>1. Contributes towards accommodating anticipated growth in the city; and</i> <i>2. Offers a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities.</i>	Accept	Not addressed in evidence
361.108	CCZ-P5	Support	Retain CCZ-P5 (Urban form and scale) as notified.	Accept	Not addressed in evidence
361.109	CCZ-P6	Support	Retain CCZ-P6 (Adaptive use) as notified.	Accept	Not addressed in evidence
361.110	CCZ-P7	Support	Retain CCZ-P7 (Ahi Kā) as notified.	Accept	Not addressed in evidence
361.111	CCZ-P8	Support	Retain CCZ-P8 (Sense of place) as notified	Accept	Not addressed in evidence
361.112	CCZ-P9	Support in part	Retain CCZ-P9 (Quality design outcome) with amendment.	Reject	Addressed in evidence with relief sought
361.113	CCZ-P9	Amend	Amend CCZ-P9 (Quality design outcome) as follows: ... 2. Ensuring that development, where relevant: ... f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; and	Reject	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			<p>g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements and sites free of any identified natural hazard risk.</p> <p><u>h. Recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.</u></p>		
361.114	CCZ-P10	Support	Retain CCZ-P10 (On-site residential amenity) as notified.	Accept	Not addressed in evidence
361.115	CCZ-P11	Support in part	Retain CCZ-P11 (City outcomes contribution) with amendment.	Accept in part	Not addressed in evidence
361.116	CCZ-P11	Amend	<p>Amend CCZ-P11 (City outcomes contribution) as follows:</p> <p>Require over and under height, large-scale residential, non-residential and comprehensive development in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, <u>while recognising the existing environment</u>, including through either:</p> <p>...</p>	Reject	Not addressed in evidence
361.117	CCZ-P12	Support	Retain CCZ-P12 (Managing adverse effects) as notified.	Accept	Not addressed in evidence
361.118	CCZ-R1	Support	Retain CCZ-R1 (Commercial activities) as notified.	Accept	Not addressed in evidence
361.119	CCZ-R15	Support in part	Retain CCZ-R15 (Yard-based retailing activities) with amendment.	Accept in part	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.120	CCZ-R15	Amend	Amend CCZ-R15 (Yard-based retailing activities) as follows: 1. Activity status: Discretionary Notification Status: An application for resource consent made in respect of rule CCZ-R15 must be publicly notified <u>except</u> : <u>a. The activity relates to the maintenance, operation and upgrading of an existing activity;</u> <u>b. The new or existing activity adjoins another commercial zone, a residential zone or an arterial or collector Road.</u>	Accept in part	Addressed in evidence with relief sought
361.121	CCZ-S4	Support in part	Retain CCZ-S4 (Minimum building height) with amendment.	Reject.	Not addressed in evidence
361.122	CCZ-S4	Amend	Amend CCZ-S4 (Minimum building height) as follows: ... This standard does not apply to: 1. Any site adjoining a site located within a character precinct or Residentially Zoned Heritage Area and thus subject to CCZ-S3; and 2. Any site within the Te Ngākau Civic Square Precinct <u>3. Any ancillary building or structure unable to be occupied by people.</u>	Reject.	Not addressed in evidence
361.123	CCZ-S7	Support in part	Retain CCZ-S7 (Verandahs) with amendment.	Accept in part.	Not addressed in evidence
361.124	CCZ-S7	Amend	Amend CCZ-S7 (Verandahs) as follows: Option A:	Reject.	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			1. Verandahs must be provided on building elevations on identified street frontages <u>except where there is a functional requirement for a building to not contain a verandah</u>		
361.125	CCZ-S7	Amend	Amend CCZ-S7 (Verandahs) as follows: ... Option B: This standard does not apply to: a. Any scheduled building identified in SCHED1 - Heritage Buildings; b. Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree. <u>c. Service stations</u>	Accept in part.	Addressed in evidence with relief sought
361.126	CCZ-S7	Amend	Amend CCZ-S7 (Verandahs) as follows: ... Option C: 1. The extent to which any non-compliance: a. Will adversely affect the comfort and convenience of pedestrians; b. Will result in further street trees being added to public space as part the development; and <u>c. Is required for on-site functional or operational needs</u>	Accept in part.	Addressed in evidence with relief sought
361.127	CCZ-S8	Support in part	Retain CCZ-S8 (Active frontage control) with amendment.	Reject	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.128	CCZ-S8	Amend	<p>Amend CCZ-S8 (Active frontage control) as follows:</p> <p>Option A:</p> <p>...</p> <p>2. Any new building or addition to an existing building adjoining an identified street with an active frontage control must:</p> <p>a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary <u>except where there is a functional requirement for that building to be set back from the street edge. In this case, 1b would not apply;</u> and</p> <p>b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and</p> <p>c. Locate the principal public entrance on the front boundary <u>except where there is a functional requirement for the principal entrance to not front the street.</u></p>	Reject	Addressed in evidence with relief sought
361.129	CCZ-S8	Amend	<p>Amend CCZ-S8 (Active frontage control) as follows:</p> <p>Option B:</p> <p>...</p> <p>Except: This does not apply to any heritage building identified in SCHED1-heritage buildings or <u>service stations;</u></p> <p>and</p> <p>...</p> <p>1</p> <p>...</p>	Reject	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary, <u>excluding vehicle and pedestrian access and public open spaces.</u>		
361.1	Zone Map	Support	Retain City Centre Zone at 155 Taranaki Street (Z Taranaki Street) and 174 Vivian Street (Z Vivian Street).	Accept	Not addressed in evidence
Part 2: Metropolitan Centre Zone					
361.67	Chapter	Support	Retain the Metropolitan Centre Zone chapter as notified. Z Energy [361.2] supports the MCZ zoning of their service stations at 10 Coutts Street, Kilbirnie and 134 Johnsonville Road, Johnsonville.	Accept	Not addressed in evidence
361.68	MCZ-O1	Support	Retain MCZ-O1 (Purpose) as notified.	Accept	Not addressed in evidence
361.69	MCZ-O2	Support	Retain MCZ-O2 (Accommodating growth) as notified.	Accept in part	Not addressed in evidence
361.70	MCZ-O3	Support	Retain MCZ-O3 (Amenity and Design) as notified.	Reject	Not addressed in evidence
361.71	MCZ-O4	Support	Retain MCZ-O4 (Activities) as notified.	Accept	Not addressed in evidence
361.72	MCZ-P1	Support in part	Retain MCZ-P1 (Accommodating growth) with amendment.	Accept in part	Not addressed in evidence
361.73		Amend	Amend MCZ-P2 (Accommodating growth) as follows: Provide for the use and development of the Metropolitan Centre Zone to meet the City's needs for housing, business activities and community facilities, including:	Reject	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that does not undermine the ongoing viability, vibrancy and primacy of the City Centre Zone; 2. A mix of medium and high-density housing; 3. Convenient access to active transport, public transport and rapid transit options; 4. Efficient, well integrated and strategic use of available development sites; and 5. Convenient access to a range of <u>commercial services</u> and open spaces.		
361.74	MCZ-P2	Support	Retain MCZ-P2 (Enabled activities) as notified.	Accept	Not addressed in evidence
361.75	MCZ-P4	Support in part	Retain MCZ-P4 (Potentially incompatible activities) with amendment.	Reject	Addressed in evidence with relief sought
361.76	MCZ-P4	Amend	Amend MCZ-P4 (Potentially incompatible activities) as follows: Only allow <u>new</u> activities that are potentially incompatible with the purpose of the Metropolitan Centre zone, where they will not have an adverse effect on its vibrancy and amenity. Potentially incompatible activities include: a. Carparking visible at street edge along an active frontage or non-residential activity frontage; b. Demolition of buildings that results in the creation of vacant land; c. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and d. <u>Some</u> yard-based retail activities.	Reject	Addressed in evidence with relief sought
361.77	MCZ-P5	Support	Retain MCZ-P5 (Heavy industrial activity) as notified.	Accept	Not addressed in evidence
361.78	MCZ-P6	Support	Retain MCZ-P6 (Housing choice) as notified.	Accept	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.79	MCZ-P7	Support in part	Retain MCZ-P7 (Quality design outcomes – neighbourhood and townscape outcomes) with amendment.	Reject	Addressed in evidence with relief sought
361.80	MCZ-P7	Amend	Amend MCZ-P7 (Quality design outcomes – neighbourhood and townscape outcomes) as follows: Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone by: ... 2. Ensuring that the development, where relevant: ... <u>f. Recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.</u>	Reject	Addressed in evidence with relief sought
361.81	MCZ-P8	Support	Retain MCZ-P8 (On-site residential amenity) as notified.	Accept in part	Not addressed in evidence
361.82	MCZ-P9	Support	Retain MCZ-P9 (Managing adverse effects) as notified.	Accept	Not addressed in evidence
361.83	MCZ-P10	Support in part	Amend MCZ-P10 (City Outcomes Contribution) with amendment	Reject	Not addressed in evidence
361.84	MCZ-P10	Amend	Amend MCZ-P10 (City Outcomes Contribution) as follows: Require over height, large-scale residential, non-residential and comprehensive development in the Metropolitan Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, while recognising the existing environment including through either: 1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or	Reject	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or 3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or 4. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or 5. Enabling ease of access for people of all ages and mobility. <u>6. Recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.</u>		
361.85	MCZ-R16	Support in part	Retain MCZ-R16 (Yard-based retailing activities) with amendment.	Accept in part	Addressed in evidence with relief sought
361.86	MCZ-R16	Amend	Amend MCZ-R16 (Yard-based retailing activities) as follows: Activity status: Discretionary Notification status: An application for resource consent made in respect of rule MCZ-R16.1 must be publicly notified <u>except</u> : <u>a. The activity relates to the maintenance, operation and upgrading of an existing activity;</u> <u>b. The new or existing activity adjoins another commercial zone, a residential zone or an arterial or collector Road.</u>	Accept in part	Addressed in evidence with relief sought
361.87	MCZ-S2	Support in part	Retain MCZ-S2 (Minimum building height) with amendment. [Inferred decision requested]	Accept in part	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.88	MCZ-S2	Amend	<p>Amend MCZ-S2 (Minimum building height) as follows:</p> <ol style="list-style-type: none"> 1. A minimum height of 7m is required for: <ol style="list-style-type: none"> a. New buildings or structures; and b. Additions to the frontages of existing buildings and structures. <p><u>This standard does not apply to:</u></p> <ol style="list-style-type: none"> 1. Accessory buildings, ancillary to the primary activity on the site. 2. Any building or structure that is unable to be occupied by people. 	Accept	Addressed in evidence with relief sought
361.89	MCZ-S5	Support in part	Retain MCZ-S5 (Verandah Control) with amendment.	Accept in part	<p>Addressed in evidence with relief sought</p> <p>Note: there appear to be referencing errors in Appendix B referring to Active Frontage Control against S5 where it should refer to Verandahs.</p> <p>There are also discrepancies</p>

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
					between appendix B and s42a report.
361.90	MCZ-S5	Amend	Amend MCZ-S5 (Verandah Control) as follows: Option A: ... 1. Verandahs must be provided on building elevations on identified street frontages <u>except where there is a functional requirement for a building to not contain a verandah.</u> ...	Reject	Addressed in evidence with relief sought
361.91	MCZ-S5	Amend	Amend MCZ-S5 (Verandah Control) as follows: Option B: ... This standard does not apply to: a. Any scheduled building identified in SCHED1-Heritage buildings. However, if for any reason these buildings received Council approval (resource consent or other approval) to be demolished, then a verandah would be required for any replacement buildings on these sites; and b. Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree. <u>c. Service stations</u>	Accept	Addressed in evidence with relief sought
361.92	MCZ-S5	Amend	Amend MCZ-S5 (Verandah Control) as follows: Option C: ... Assessment criteria where the standard is infringed:	Reject	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			<p>...</p> <p>1. The extent to which any non-compliance:</p> <p>a. Will adversely affect the comfort and convenience of pedestrians;</p> <p>b. Will result in further street trees being added to public space as part the development; and</p> <p><u>c. Is required for on-site functional or operational needs</u></p> <p>2. The continuity of verandah coverage along the identified street, informal access route or public space</p>		
361.93	MCZ-S6	Support in part	Retain MCZ-S6 (Active frontage and non-residential activity frontage controls) with amendment.	Accept in part	Addressed in evidence with relief sought
361.94	MCZ-S6	Amend	<p>Amend MCZ-S6 (Active frontage and non-residential activity frontage controls) as follows:</p> <p>1. Any new building or addition to an existing building adjoining an identified street with an active frontage control must:</p> <p>a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary <u>except where there is a functional requirement for that building to be set back from the street edge. In this case, 1b would not apply;</u></p> <p>b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage</p> <p>c. Locate the principal public entrance on the front boundary <u>except where there is a functional requirement for the principal entrance to not front the street.</u></p>	Reject.	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			<p>...</p> <p>4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:</p> <p>a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary <u>except where there is a functional requirement for that building to be set back from the street edge.</u></p> <p>b. Locate the principal public entrance on the front boundary <u>except where there is a functional requirement for the principal entrance to not front the street.</u></p>		
Part 3: Local Centre Zone					
361.20	Chapter	Support	Retain Local Centre Zone chapter as notified.	Accept in part	Not addressed in evidence
361.21	LCZ-O1	Support	Retain LCZ-O1 (Purpose) as notified.	Accept	Not addressed in evidence
361.22	LCZ-O2	Support	Retain LCZ-O2 (Accommodating growth) as notified.	Accept in part	Not addressed in evidence
361.23	LCZ-O3	Support	Retain LCZ-O3 (Amenity and design) as notified.	Accept in part	Not addressed in evidence
361.24	LCZ-O4	Support	Retain LCZ-O4 (Activities) as notified.	Accept in part	Not addressed in evidence
361.25	LCZ-P1	Support in part	Retain LCZ-P1 (Accommodating growth) with amendment.	Reject	Not addressed in evidence
361.26	LCZ-P1	Amend	Amend LCZ-P1 (Accommodating growth) as follows:	Reject	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			<p>Provide for the use and development of the Local Centre Zone to meet the City's needs for housing, business activities and community facilities, including:</p> <ol style="list-style-type: none"> 1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that does not undermine the viability and vibrancy of the Metropolitan Centre Zone and the primacy of the City Centre Zone; 2. Forms of medium density housing; 3. Convenient access to active, public transport and rapid transit options; 4. Efficient, well integrated and strategic use of available development sites; and 5. Convenient access to a range of <u>commercial service and</u> open spaces. 		
361.27	LCZ-P2	Support	Retain LCZ-P2 (Enabled activities) as notified.	Accept	Not addressed in evidence
361.29	LCZ-P4	Support in part	Retain LCZ-P4 (Potentially incompatible activities) with amendment.	Reject	Addressed in evidence with relief sought
361.30	LCZ-P4	Amend	<p>Amend LCZ-P4 (Potentially incompatible activities) as follows:</p> <p>Only allow <u>new</u> activities that are potentially incompatible with the role and function of the Local Centre Zone, where they will not have an adverse effect on the vibrancy and amenity of the centre:</p> <ol style="list-style-type: none"> 1. Carparking visible at street edge along an active frontage or non-residential activity frontage; 2. Demolition of buildings that results in the creation of unutilised vacant land; 3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and 4. <u>Some</u> yard-based retail activities 	Reject.	Addressed in evidence with relief sought
361.31	LCZ-P5	Support	Retain LCZ-P5 (Heavy industrial activities) as notified.	Accept	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.32	LCZ-P6	Support	Retain LCZ-P6 (Housing choice) as notified.	Accept	Not addressed in evidence
361.33	LCZ-P7	Support in part	Retain LCZ-P7 (Quality design – neighbourhood and townscape outcomes) with amendment, as below.	Reject	Addressed in evidence with relief sought
361.34	LCZ-P7	Amend	Amend LCZ-P7 (Quality design – neighbourhood and townscape outcomes) as follows: ... 2. Ensuring that the development, where relevant: ... <u>f. Recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.</u>	Reject	Addressed in evidence with relief sought
361.35	LCZ-P8	Support	Retain LCZ-P8 (On-site residential amenity) as notified.	Accept in part	Not addressed in evidence
361.36	LCZ-P9	Support	Retain LCZ-P9 (Managing adverse effects) as notified.	Accept	Not addressed in evidence
361.37	LCZ-P10	Support in part	Retain LCZ-P10 (City outcomes contribution) with amendment, as below.	Reject	Not addressed in evidence
361.38	LCZ-P10	Amend	Amend LCZ-P10 (City outcomes contribution) as follows: Require over height, large-scale residential, non-residential and comprehensive development in the Local Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, <u>while recognising the existing environment including</u> through either: ...	Reject	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.39	LCZ-R14	Support in part	Retain LCZ-R14 (Yard-based retailing activities) with amendment, as below.	Accept in part	Addressed in evidence with relief sought
361.40	LCZ-R14	Amend	Amend LCZ-R14 (Yard-based retailing activities) as follows: 1. Activity status: Discretionary Notification Status: An application for resource consent made in respect of rule LCZ-R14 must be publicly notified <u>except</u> : <u>a. The activity relates to the maintenance, operation and upgrading of an existing activity;</u> <u>b. The new or existing activity adjoins another commercial zone, a residential zone or an arterial or collector Road.</u>	Accept in part	Addressed in evidence with relief sought
361.41	LCZ-S5	Support in part	Retain LCZ-S5 (Verandah control) with amendment, as below.	Accept in part	Not addressed in evidence
361.42	LCZ-S5	Amend	Amend LCZ-S5 (Verandah control) as follows: 1. Verandahs must be provided on building elevations on identified street frontages <u>except where there is a functional requirement for a building to not contain a verandah.</u> ...	Reject	Not addressed in evidence
361.43	LCZ-S5	Amend	Amend LCZ-S5 (Verandah control) as follows: ... This standard does not apply to: a. Any scheduled building identified in SCHED1 - Heritage Buildings; b. Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree. <u>c. Service stations</u>	Accept	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.44	LCZ-S5	Amend	Amend LCZ-S5 (Verandah control) as follows: ... 1. The extent to which any non-compliance: a. Will adversely affect the comfort and convenience of pedestrians; b. Will result in further street trees being added to public space as part the development; and <u>c. Is required for on-site functional or operational needs</u>	Reject	Addressed in evidence with relief sought
361.45	LCZ-S6	Support in part	Retain LCZ-S6 (Active frontage and non-residential activity frontage controls) with amendment, as below.	Reject	Addressed in evidence with relief sought
361.46	LCZ-S6	Amend	Amend LCZ-S6 (Active frontage and non-residential activity frontage controls) as follows: 1. Any new building or addition to an existing building adjoining an identified street with an active frontage control must: a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary <u>except where there is a functional requirement for that building to be set back from the street edge. In this case, 1b would not apply;</u> b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage c. Locate the principal public entrance on the front boundary <u>except where there is a functional requirement for the principal entrance to not front the street.</u> ... 4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must: a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary <u>except where there is a functional requirement for that building to be set back from the street edge.</u>	Reject	Addressed in evidence with relief sought

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
			b. Locate the principal public entrance on the front boundary <u>except where there is a functional</u> requirement for the principal entrance to not front the street.		
361.4 [7]	Zone Map	Support	Retain Local Centre Zone at 35/41 Constable Street (Z Constable Street).	Accept	Not addressed in evidence
361.4[8]	Zone Map	Support	Retain Local Centre Zone at 35/41 Constable Street (Z Constable Street).	Accept	Not addressed in evidence
Part 5: Mixed Use Zone					
361.47	Chapter	Support	Retain the Mixed Use Zone chapter as notified.	Accept in part	Not addressed in evidence
361.48	MUZ-O1	Support	Retain MUZ-O1 (Purpose) as notified.	Accept	Not addressed in evidence
361.49	MUZ-O2	Support	Retain MUZ-O2 (Accommodating growth) as notified.	Accept in part	Not addressed in evidence
361.50	MUZ-O3	Support	Retain MUZ-O3 (Compatibility with other employment areas and the hierarchy of centres) as notified.	Accept	Not addressed in evidence
361.51	MUZ-O4	Support	Retain MUZ-O4 (Amenity and design) as notified.	Accept	Not addressed in evidence
361.52	MUZ-O5	Support	Retain MUZ-O5 (Managing adverse effects) as notified.	Accept	Not addressed in evidence
361.53	MUZ-P1	Support	Retain MUZ-P1 (Accommodating growth) as notified.	Accept in part	Not addressed in evidence
361.54	MUZ-P2	Support	Retain MUZ-P2 (Enabled activities) as notified.	Accept in part	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.55	MUZ-P3	Support	Retain MUZ-P3 (Managing larger-scale retail activities) as notified.	Accept	Not addressed in evidence
361.56	MUZ-P4	Support	Retain MUZ-P4 (Avoiding heavy industrial activities) as notified.	Accept	Not addressed in evidence
361.57	MUZ-P5	Support	Retain MUZ-P5 (Residential activities) as notified.	Accept	Not addressed in evidence
361.58	MUZ-P6	Support	Retain MUZ-P6 (Design of new development) as notified.	Accept in part	Not addressed in evidence
361.59	MUZ-P7	Support	Retain MUZ-P7 (Zone interfaces) as notified.	Accept	Not addressed in evidence
361.60	MUZ-R1	Support in part	Retain MUZ-R1 (Commercial activities) with amendment, as below.	Accept in part	Not addressed in evidence
361.61	MUZ-R1	Amend	Seeks to clarify MUZ-R1 (Commercial activities) and whether yard-based retail activities (i.e. service stations) would be a commercial activity in the MUZ under Rule MUZ-R1 given that there is no other rule for a more specific activity (such as a service station or yard-based retail activity), or whether they are caught as "All other Activities" under Rule MUZ-R13.	Reject	Addressed in evidence with relief sought
361.62	MUZ-R13	Support in part	Retain MUZ-R13 (All other activities) with amendment, as below.	Accept in part	Not addressed in evidence
361.63	MUZ-R13	Amend	Seeks to clarify MUZ-R13 (All other activities) and whether yard-based retail activities would be subject to this rule or rule MUZ-R1 (Commercial activities).	Reject	Addressed in evidence with relief sought
361.64	MUZ-S7	Support in part	Retain MUZ-S7 (Verandah control) with amendment, as below.	Accept in part	Not addressed in evidence

Submission Point No.	PDP Provision	Z Energy's Primary Sub Position	Decisions Requested by Z Energy (additions <u>underlined</u>)	WCCs S42A Officers Recommendation (majority taken from Appendix B)	Addressed (or not addressed) in evidence
361.65	MUZ-S7	Amend	Amend MUZ-S7 (Verandah control) as follows: Option A 1. <u>Except where there is a functional requirement for a building to not contain a verandah</u> , any verandah constructed on any building frontage facing a public space, including roads, must: ...	Reject	Addressed in evidence with relief sought
361.66	MUZ-S7	Amend	Amend MUZ-S7 (Verandah control) as follows: Option B ... <u>This standard does not apply to:</u> a. <u>Service stations.</u>	Accept	Addressed in evidence with relief sought
361.3 <i>[Note: there MAY be an error in this numbering]</i>	Zone Map	Support	Retain the Mixed Used Zones at 16-18 Main Road (Z Tawa), 27 Miramar Avenue (Z Miramar) and 208 Hutt Road (Caltex Old Hutt Road).	Accept	Not addressed in evidence

Appendix B

Z Energy - Picton

Evidence by Sarah Westoby

For Z Energy Limited

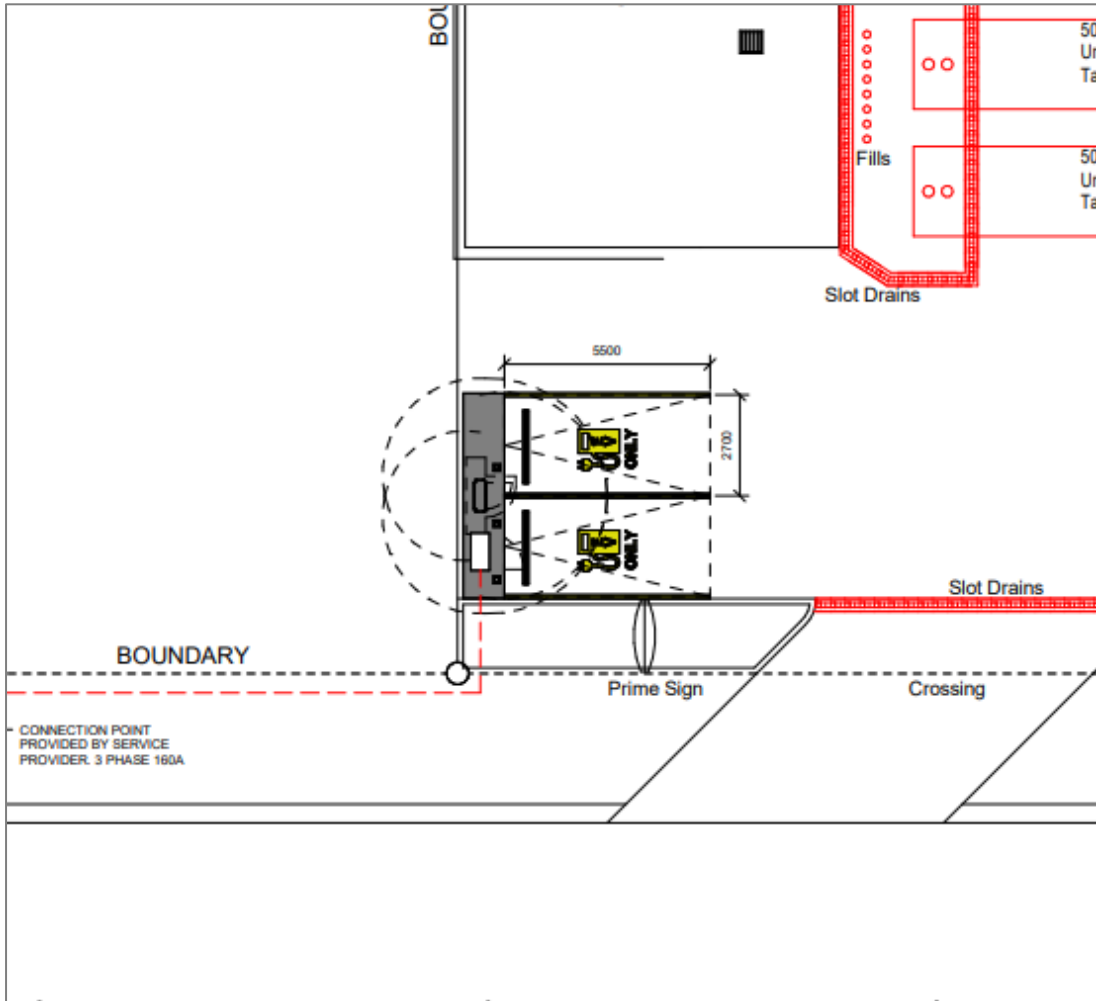


Figure 1: Part Proposed Site Plan showing location of the EV infrastructure adjacent to the internal side boundary of the site but marginally set back from the front road boundary. The existing landscaping and Z Energy sign just inside of the road boundary is to be retained.





Figure 2: Google Street View Image (image captured October 2022). Facing the Z Energy Picton Site. The Red circle indicates approximate location of the proposed EV charging infrastructure.

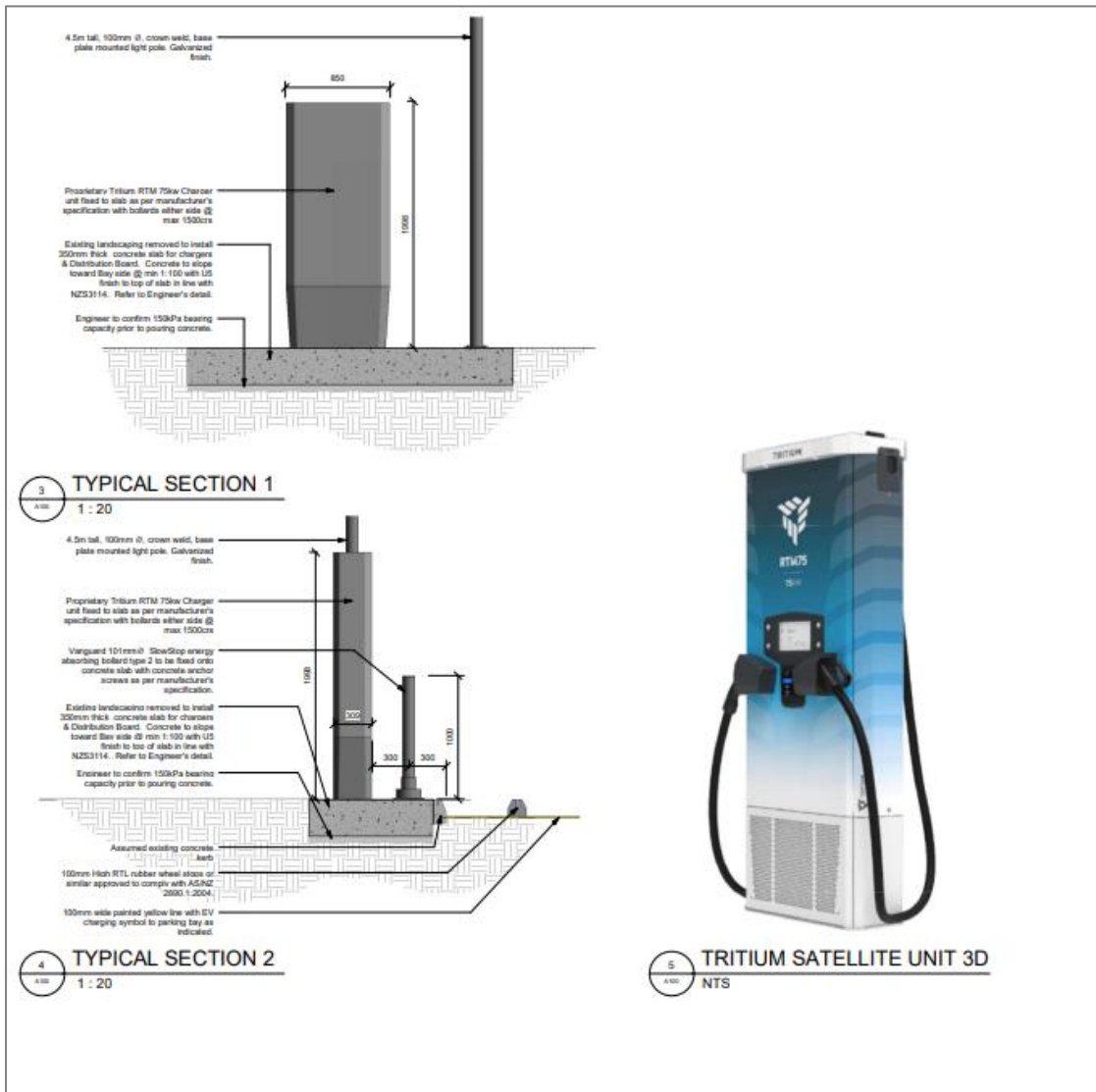


Figure 3: Image showing typical EV charging equipment – approx. 2.0m in height.

Appendix C

Tabled Relief: Recommended Changes to Commercial and Mixed-Use Zones

Black text: *Original wording of the PDP*

Red text: *Changes and relief sought Sarah Westoby (all additions underlined and in red text).*

I have not included provisions in this table where I agree with the s42A officer.

PDP Provision	Relief Sought in evidence
Local Centre Zone	
LCZ-P4	<p>Potentially incompatible activities</p> <p>Only allow <u>new</u> activities that are potentially incompatible with the role and function of the Local Centre Zone, where they will not have an adverse effect on the vibrancy and amenity of the centre:</p> <p>...</p>
LCZ-P7	<p>Quality design – neighbourhood and townscape outcomes</p> <p>Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Local Centre Zone by:</p> <p>1. ...</p> <p>2. Ensuring that development, where relevant:</p> <p>....</p> <p><u>h. Recognises that alternative design responses are necessary for functional requirements of a range of activities, in particular, existing activities.</u></p>
LCZ-R15	<p>Yard-based retailing activities</p> <p>...</p> <p>Notification status:</p> <p>An application for resource consent made in respect of rule LCZ-R15 must be publicly notified <u>except when:</u></p> <p><u>a. The activity relates to the maintenance, operation and upgrading of an existing activity, and/or</u></p> <p><u>b. The activity relates to the development of a new activity that is located at the periphery of the zone and/or adjacent to an arterial or collector road.</u></p>
LCZ-S6	<p>Active frontage and non-residential activity frontage controls</p> <p>Any new building or addition to an existing building adjoining an identified street with an active frontage must:</p> <p>...</p> <p><u>Except that this does not apply to existing service stations.</u></p> <p>...</p>

PDP Provision	Relief Sought in evidence
Metropolitan Centre Zone	
MCZ-P4	<p>Potentially incompatible activities</p> <p>Only allow <u>new</u> activities that are potentially incompatible with the purpose of the Metropolitan Centre Zone, where they will not have an adverse effect on the vibrancy and amenity values of the centre.</p> <p>...</p>
MCZ-P7	<p>Quality design outcomes – neighbourhood and townscape outcomes</p> <p>Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone by:</p> <p>3. ...</p> <p>4. Ensuring that development, where relevant:</p> <p>....</p> <p style="padding-left: 40px;"><u>a. Recognises that alternative design responses are necessary for functional requirements of a range of activities existing activities.</u></p>
MCZ-R16	<p>Yard-based retailing activities</p> <p>...</p> <p>Notification status:</p> <p>An application for resource consent made in respect of rule MCZ-R16 must be publicly notified <u>except when:</u></p> <p style="padding-left: 40px;"><u>c. The activity relates to the maintenance, operation and upgrading of an existing activity, and/or</u></p> <p style="padding-left: 40px;"><u>d. The activity relates to the development of a new activity that is located at the periphery of the zone and/or adjacent to an arterial or collector road.</u></p>
MCZ-S2	<p>Minimum building height</p> <p>...</p> <p><u>This standard does not apply to:</u></p> <p style="padding-left: 40px;"><u>1. Accessory buildings, ancillary to the primary activity on the site.</u></p> <p style="padding-left: 40px;"><u>2. Any building ort structure that is unable to be occupied by people.</u></p>
MCZ-S6	<p>Active frontage and non-residential activity frontage controls</p> <p>1. Any new building or addition to an existing building adjoining an identified street with an active frontage must:</p> <p>...</p> <p style="padding-left: 40px;"><u>Except that this does not apply to existing service stations.</u></p> <p>...</p>
City Centre Zone	
CCZ-P2	<p>Potentially incompatible activities</p> <p>Only allow <u>new</u> activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include:</p>

PDP Provision	Relief Sought in evidence
	...
CCZ-P9	<p>Quality design outcomes</p> <p><i>Require new development, and alterations and additions to existing development, at a site scale to positively contribute to the sense of place and distinctive form, quality and amenity of the City Centre Zone by:</i></p> <p>5. ...</p> <p>6. <i>Ensuring that development, where relevant:</i></p> <p>....</p> <p><u><i>h. Recognises that alternative design responses are necessary for functional requirements of a range of activities existing activities.</i></u></p>
CCZ-R15	<p>Yard-based retailing activities</p> <p>...</p> <p><i>Notification Status:</i></p> <p><i>An application for resource consent made in respect of rule CCZ-R15 must be publicly notified <u>expect when:</u></i></p> <p><u><i>e. The activity relates to the maintenance, operation and upgrading of an existing activity, and/or</i></u></p> <p><u><i>f. The activity relates to the development of a new activity that is located at the periphery of the zone and/or adjacent to an arterial or collector road.</i></u></p>
CCZ-S4	<p>Minimum building height</p> <p>...</p> <p><i>This standard does not apply to:</i></p> <p>...</p> <p><u><i>3. Any ancillary building or structure unable to be occupied by people.</i></u></p>
CCZ-S8	<p>Active frontage control</p> <p>1. <i>Any new building or addition to an existing building adjoining an identified street with an active frontage control must:</i></p> <p>....</p> <p><i>Except: This does not apply to any heritage building identified in SCHED-1-heritage buildings <u>or service stations;</u></i></p> <p><i>and</i></p> <p>....</p>