

5 February 2024

Hearings Coordinator
Wellington City Council

Attention: Jaskirat Kaur
By email: Jaskirat.Kaur@wcc.govt.nz

RE: Hearing Statement for Z Energy on Hearing Stream 6 (Special Purpose zones) of the Proposed Wellington District Plan

1. Introduction

- 1.1 This Hearing Statement has been prepared on behalf of Z Energy Limited (*Z Energy*) and represents its views. It is not expert evidence. Z Energy (submitter 361) will not be attending the hearing but asks that this Hearing Statement be tabled before the Panel.
- 1.2 Z Energy made submissions on several chapters of the Proposed Wellington District Plan (*PDP*) including specific Zone chapters and District wide chapters such as Transport and Earthworks. Z Energy's interest in Hearing Stream 6 (*HS6*) relates to the proposed Airport Zone (*AIR*) provisions which apply to its Z Broadway service station.

2. Zoning, Objectives and Policies

- 2.1 In its submission, Z Energy supported the proposed AIR zoning of Z Broadway and all objectives and policies which seek to enable airport activities and ensure airport activities and non-airport (e.g. service stations) are compatible with the ongoing operation of the airport.
- 2.2 The Section 42A (*S42A*) recommendation is to accept Z Energy's submission, subject to amendments to specific objectives and policies as requested by other submitters. Z Energy supports the S42A recommendation and associated amendments to the objectives and policies.

3. Rule AIRPZ-R3 (Non-airport activities)

- 3.1 This rule provides for non-airport activities (e.g. service stations) as a discretionary activity subject to compliance with specific standards. In its submission, Z Energy sought to amend this rule to ensure it would only apply to 'new' activities and not changes to existing non-airport activities (e.g. new buildings, upgrades, additions or alterations etc.). Z Energy therefore sought the following amendment (insertions underlined):

1. *Activity status: Discretionary*

Where:

a. *The new activity is a non-airport activity; and...*

- 3.2 As an alternative, Z Energy sought clarification from Council that resource consent would not be required under this rule for the ongoing operation, maintenance or upgrade of existing non-airport activities.
- 3.3 The S42A recommendation is to reject this submission point as Clause a, where the term 'new' was proposed by Z Energy to be inserted, is recommended to be deleted by the S42A officer on the basis it is superfluous and already stated and implied in the heading of the rule. Notwithstanding, the S42A recommendation states that *..'it is also unnecessary to specify that the rule only applies to "new" activities as existing activities will be covered by existing use rights'¹.*
- 3.4 Z Energy infers from the S42A recommendation that the intention of the rule is to only apply to new activities, which is supported. In addition, and as set out in paragraphs 4.1 and 4.2 below, the S42A recommendation is to accept Z Energy's submission points for new rules that enable maintenance, demolition, construction, additions and alterations of buildings and structures as a permitted activity. For this reason, Z Energy supports the S42A recommendation with the rule framework appropriately enabling minor works to the Z Broadway service station as permitted activity, acknowledging that any potential changes are still subject to Section 127 of the Act as the service station holds an existing resource consent.

4. Rule AIRPZ-R4 (Buildings and Structures)

- 4.1 This rule relates to 'buildings and structures' and Z Energy, in its submission, sought clarity on whether this rule applies to 'additions and alterations' to existing buildings/structures in addition to just 'new' buildings/structures. If this wasn't the case, Z Energy sought an additional rule which enables additions and alterations to existing buildings/structures as a permitted activity, subject to compliance with specific standards. Also, in line with other PDP chapters, Z Energy also sought additional rules that enable 'maintenance and repair' and 'demolition and removal' of buildings/structures as a permitted activity.
- 4.2 The S42A recommendation is to amend Rule AIRPZ-R4 to ensure it captures both 'new' and 'additions and alterations' to existing buildings/structures and accept the two new permitted activity rules relating to 'maintenance and repair' and 'demolition and removal' as sought by Z Energy. The S42A recommendation is therefore supported.

¹ Paragraph 229 of the S42A Report



5. Rule AIRPZ-S3 (Commercial, retail and access restrictions)

- 5.1 This standard seeks to restrict the location and scale of Commercial and Retail activities (e.g. service stations), both generally and in specific precincts, and applies to Rule AIRPZ-R3 (Non-airport activities). Clause 3 of this standard seeks to restrict retail, service retail, restaurants and food and beverage facilities, and commercial activities by only locating them in the Terminal Precinct. Z Energy, in its submission, sought clarity that this clause only applies to 'new' activities, noting that Z Broadways service station is defined as a commercial activity, is located within the Broadway Precinct and therefore would not be able to comply with this standard.
- 5.2 The S42A recommendation is to delete this clause entirely as '*...these [retail, service retail, restaurants and food and beverage facilities, and commercial activities] activities are able to be appropriately considered as airport related or non-airport activities under rule AIRPZ-R2 and AIRPZ-R3 without additional limitations on the location of these activities applying through the standard on the basis it unnecessarily looks to restrict these types of activities that can be otherwise be appropriately considered through the other rules and policy framework².*
- 5.3 Z Energy supports the S42A recommendation.

6. Concluding Statement

- 6.1 Thank you for your time and acknowledgement of the issues raised in Z Energy's submission. Please do not hesitate to contact the writer on 021 948 073 should you wish to clarify any matters addressed herein.

Regards,



Jarrod Dixon
Senior Planner

SLR Consulting New Zealand

² Paragraph 284 of S42A Report

