

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of submissions to the Intensification Planning Instrument as a proposed plan change to the Upper Hutt City District Plan

---

**STATEMENT OF EVIDENCE OF JARROD DIXON FOR  
Z ENERGY LIMITED, BP OIL NEW ZEALAND LIMITED AND MOBIL OIL NEW  
ZEALAND LIMITED (*THE FUEL COMPANIES*)**

**(Submitter S33)**

**And**

**Z ENERGY LIMITED (*Z ENERGY*)**

**(Submitter S32)**

**Dated 14 April 2023**

---

## **1. INTRODUCTION**

- 1.1 My full name is Jarrod Daniel Dixon. I have over seven years' experience in the field of resource management and planning. I hold a Bachelor of Resource and Environmental Planning from Massey University and am an intermediate member of the New Zealand Planning Institute.
- 1.2 I am currently a Senior Planner at 4Sight Consulting Limited (now part of SLR) (*4Sight*). I have been employed by 4Sight since October 2020. Prior to joining 4Sight, I was a Senior Planner at Auckland Council between 2016 and 2020 where I primarily processed resource consents.
- 1.3 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, strategic policy advice, and preparation of submissions, further submissions, evidence, and hearing statements. I have provided planning services to a range of infrastructure, Government, Council, commercial and private clients, including the Fuel Companies, both collectively and separately.
- 1.4 I have been involved in a wide range of matters affecting clients at district council levels across much of the country. Of relevance to the Intensification Planning Instrument (*IPI*) to the Operative Upper Hutt City District Plan, I have recently prepared submissions, further submissions, and evidence on behalf of the Fuel Companies for various Intensification Plan Changes on district plans throughout New Zealand, including evidence and hearing attendance in relation to the Fuel Companies' submissions and further submissions on Plan Change 2 to the Kāpiti Coast District Plan and Hearing Stream 2 (Residential) for the Proposed Wellington District Plan. I am familiar with the National Policy Statement for Urban Development and Medium Density Residential Standards.

## **2. CODE OF CONDUCT FOR EXPERT WITNESSES**

- 2.1 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 the Fuel Companies or Z Energy. I am engaged by the Fuel Companies and Z Energy as an independent expert and 4Sight provides planning services to the Fuel Companies and 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.
- 2.2 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 opinions.

### **3. SCOPE OF EVIDENCE**

- 3.1 This statement of evidence relates to the submissions of both the Fuel Companies and Z Energy to the IPI.
- 3.2 For clarity, I have clearly stated which parts of my evidence relate to submission points raised by either the Fuel Companies, Z Energy, or both.
- 3.3 My evidence addresses the following matters:
- (a) New policies in the General Residential Zone (*GRZ*, submission point S33.8) and High Density Residential Zone (*HRZ*, submission point S33.12) to minimise reverse sensitivity effects.
  - (b) Standard MUZ-S6 Screening and Landscaping of Service Areas, Outdoor Storage Areas and Parking (submission point S32.9).
- 3.4 With reference to all other matters raised by the Fuel Companies and Z Energy in submissions, the Fuel Companies and Z Energy accept the recommendations in Council's Evidence report prepared by Matt Muspratt (*the reporting officer*) in the report entitled 'Upper Hutt City Council Intensification Planning Instrument: Council's Evidence Report (*planning evidence*)'. This is reflected in the table at Appendix B.

### **4. THE INTERESTS OF THE FUEL COMPANIES AND Z ENERGY AND HOW THEY RELATE TO THE IPI**

- 4.1 The Fuel Companies receive, store, and distribute refined petroleum products around New Zealand. In the Upper Hutt City District (*the district*), the Fuel Companies' core business relates to retail fuel outlets, including service stations, and supply to commercial facilities. Z Energy operates two service stations in the district, known as Z Trentham and Z Rimutaka.
- 4.2 The nature of these retail fuel activities are described at A: Introduction of the Fuel Companies submission and are not repeated here.
- 4.3 The location of the Fuel Companies retail sites in the district, the existing and proposed zoning of those sites and the adjoining sites are shown at Appendix A. The table helps illustrate the potential for intensification to occur at a number of sites surrounding existing service stations with corresponding potential adverse effects on those sites.
- 4.4 The IPI proposes a new Mixed-Use Zone (*MUZ*) with a policy and rule framework that seeks to enable activities ranging from residential over commercial to light industrial<sup>1</sup>. The existing service stations operated by the Fuel Companies and Z Energy are located in the

---

<sup>1</sup> Introduction to proposed MUZ in IPI

proposed MUZ zone and the provisions will influence the ongoing operation, maintenance, and upgrade of these existing lawfully established activities.

4.5 I address these matters further below in the context of the Fuel Companies' and Z Energy's specific submission points.

## **5. POLICIES ADDRESSING REVERSE SENSITIVITY EFFECTS IN GRZ (SUBMISSION POINT S33.8) AND HRZ (SUBMISSION POINT S33.12)**

5.1 In my experience, retail fuel activities can and do occur appropriately in a range of environments/zones, but the perceived acceptability of potential adverse effects can be influenced by the nature of adjoining activities. For instance, the IPI would increase the permitted residential development on HRZ sites adjoining the Z Trentham service station (which operates on a 24/7 basis) from one dwelling (and family flat<sup>2</sup>), with a maximum height of 8m and minimum set back between 1.5m and 3m to six dwellings with a maximum height of 20m no minimum yard setback. An occupier of a new residential development of that nature on an adjoining property is more likely to perceive reverse sensitivity effects including nuisance effects (e.g. noise, visual and lighting) and amenity effects. This example highlights the potential adverse effects of the IPI on the ongoing operation, maintenance, and upgrade of existing lawfully established non-residential activities, which are a physical resource that must be managed under the Act.

5.2 The Fuel Companies supported the proposed policies in in the GRZ but sought amendments to provide specific direction for any new residential development to be designed to minimise reverse sensitivity effects on existing non-residential activities. Similarly, the Fuel Companies sought amendments to Policy HRZ-P6 to provide specific direction to minimise reverse sensitivity effects when providing for medium and high density residential developments.

5.3 The reporting officer has addressed these submission points at paragraphs 117 and 417 of the planning evidence and rejected them for the reasons below:

*I do not consider it necessary to add a specific reverse sensitivity policy to the IPI, as I consider it would be more effective to add the consideration of reverse sensitivity effects to relevant standards and matters of discretion to guide decision makers during the consideration of a resource consent application in residential zones. I make recommendations in response to other more specific submissions to add reverse sensitivity effects to specific provisions elsewhere in this report and within Appendix 1.*

---

<sup>2</sup> Family Flat - a self-contained residential unit no more than 55m<sup>2</sup> in floor area, on the same property and in the same ownership as the principal residential unit (and not leased to another party), for the purpose of providing ancillary accommodation

*Regarding submission S33.12 - Fuel Companies request to amend policy HRZ-P6, I note the purpose of the policy is to provide policy direction for the consideration and application of the Medium and High Density Design Guide. I agree that addressing potential reverse sensitivity effects is an important resource management issue in the HRZ due to the significant increase in permitted development the IPI enables and the corresponding increased likelihood of reverse sensitivity effects arising. However, I consider a more effective method to address reverse sensitivity effects is via amendments to the relevant HRZ rules and standards, I recommend such amendments in response to other submissions elsewhere in this report. Therefore, I recommend submission S33.12 – Fuel Companies be rejected.*

- 5.4 I support the reporting officer’s recommendations to include ‘reverse sensitivity effects’ in the matters of discretion for the relevant rules and standards in the GRZ and HRZ (refer Appendix B for specific rules and standards) as it will require consideration of reverse sensitivity effects for the purposes of undertaking an assessment under Section 104(1)(a) of the Act. I do, however, consider that it is also necessary to amend the corresponding policy framework to provide the context under which those matters will be considered as there is, currently, no clear policy level direction addressing reverse sensitivity effects and giving effect to objectives GRZ-O2 and HRZ-O1 to achieve a well-functioning urban environment.

#### Relief Sought

- 5.5 For the reasons set out above, I recommend new policies consistent with the intent of the relief sought in the Fuel Companies submission are added to the GRZ and HRZ chapters:

*Policy GRZ-P12 and Policy HRZ-P9*

*New residential development shall be designed to minimise reverse sensitivity effects on existing non-residential activities.*

## **6. STANDARD MUZ-S6: SCREENING AND LANDSCAPING OF SERVICE AREAS, OUTDOOR STORAGE AREAS AND PARKING (SUBMISSION POINTS S32.9)**

- 6.1 In its submission, Z Energy sought amendments to Clauses 1, 2(a), 2(b) and 3 of Standard MUZ-S6. The intent of the majority of those changes has been accepted with the exception of amendments sought to:

- Clause 2(b) to exclude service stations from this standard on the basis a landscaping strip with trees could compromise the functional operations at the existing service stations including safety issues.

- 6.2 The reporting officer has addressed this submission point in paragraphs 974 and 975 of the planning evidence as follows:

*I consider that the requested amendment to clause 2.b. is unnecessary, as in my opinion, existing service stations would enjoy existing use rights and therefore would not need to comply with the standard. Existing service stations would only need to comply with the standard if adding building, alterations, or otherwise increasing the size of the service station. I therefore do not recommend any amendments to clause 2.b.*

*I do not consider the requested amendment to clause 3 to be appropriate, as in my opinion, this would reduce the amount of landscaping required for ground level parking areas. I consider that it is not the intention of the provisions for the landscaping required for screening under clause 2.a. to be also used as car parking landscaping. I note that in the event of this scenario, the resource consent process enables the case-by-case consideration to ensure the intent of the standard will still be met.*

6.3 Service station activities experience a significant number of traffic movements a day and visibility to the forecourt and signage is critical to a successful and safe operation. A 1.5m wide landscape strip with trees has the potential to impede sightlines between the road and forecourt and would require regular maintenance to ensure these sightlines are maintained. The photos in Appendix A illustrate the type and level of landscaping that is often established on service station sites which is unlikely to:

- a) Restrict visibility of signage for motorists on the road network;
- b) Restrict visibility for motorists exiting the site; or
- c) Develop a root system that interferes with hardstand, drainage, pipework and other infrastructure.

6.4 In my view, maintaining visibility of signage and at vehicle crossings is particularly important in terms of traffic movement and safety. Drivers need to be able to identify sites in advance to promote safe manoeuvres to sites and require adequate sight lines to ensure visibility on exit from these sites. I accept that a full exclusion from the standard may not be appropriate to ensure a level of landscaping is provided adjacent to road to provide a degree of visual softening of car parking areas. As such, I consider that for service stations, the required strip should not be required to contain trees.

#### Relief Sought

6.5 For the reasons set out above, I recommend the Panel adopts the relief set below, including the change recommended by the reporting officer (relief sought in shaded grey, reporting officer recommended change underline and struck out, noting that entire provision is proposed under the IPI):

MUZ-S6

1. Any on-site service areas, including rubbish collection areas, and areas for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be adequately screened by a fence or landscaping where they are visible from any:

a. Public road;

b. Other public space; or

c. The ground level of any directly adjoining site zoned Residential or Open Space and Recreation.

2. Any on-site parking area must:

a. Be fully screened by a fence or landscaping from the ground level of any directly adjoining site zoned Residential or Open Space and Recreation.



b. Where located along a street edge, provide a landscaping strip that extends at least 1.5m from the boundary with the road and comprise a mix of trees, shrubs and ground cover plants, without preventing the provision of an entry point to the site. This does not apply to individual parking spaces for residential development, if provided. For service stations, the required landscape strip is not required to contain trees.

3. At least 5% of any ground level parking area not contained within a building must be landscaped.

Jarrold Dixon

14 April 2023

**Appendix A: The Fuel Companies' service stations in the Upper Hutt City District**

Name and Location	Site Zoning (Operative and IPI)	Neighbouring sites - Zoning and Permitted Development Potential under Operative Plan	Neighbouring sites - Zoning and Permitted Development Potential under IPI
<p><b>BP Oil New Zealand Limited</b></p> <p><b>967 Fergusson Drive</b></p>  <p><i>Aerial showing proposed zoning of site and surrounding properties (Source: Upper Hutt City Council eMaps)</i></p>  <p><i>Aerial showing site layout including landscaping (Source: Upper Hutt City Council eMaps)</i></p>	<p><u>Site Size</u> 2,880m<sup>2</sup></p> <p><u>Operative</u> City Centre</p> <p><u>Proposed</u> Mixed Use Zone</p> <p><u>Maximum area of landscaping</u> 200m<sup>2</sup></p>	<p><u>City Centre Zone</u></p> <ul style="list-style-type: none"> <li>No limit on number of residential units.</li> <li>Maximum building height of 20m.</li> </ul> <p><u>General Residential Zone</u></p> <ul style="list-style-type: none"> <li>One residential unit and family flat per site.</li> <li>Maximum building height of 8m.</li> </ul>	<p><u>Mixed Use Zone</u></p> <ul style="list-style-type: none"> <li>Up to six residential units per site that must meet acoustic and ventilation requirements.</li> <li>Maximum height of 26m.</li> </ul> <p><u>High Density Residential Zone</u></p> <ul style="list-style-type: none"> <li>Up to six residential units per site.</li> <li>Maximum building height of 20m.</li> </ul> <p><u>Comment</u> Taller building heights enabled on adjoining MUZ sites with residential buildings of greater height and density enabled on neighbouring HRZ properties.</p>



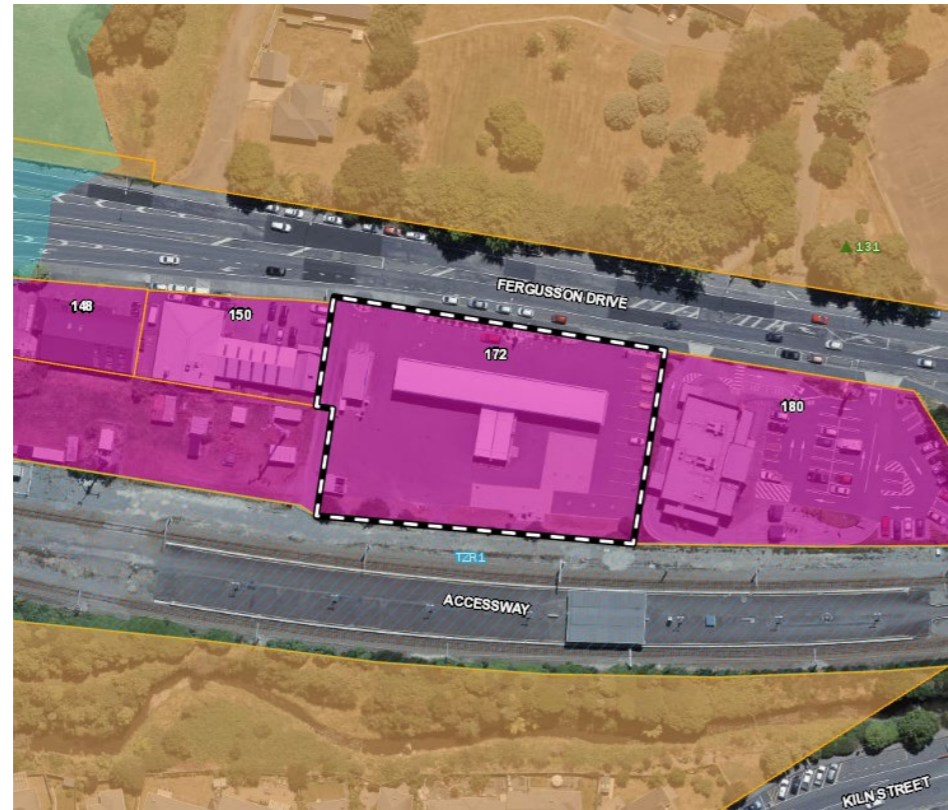


*View south along Exchange Street (Source: Google Maps)*

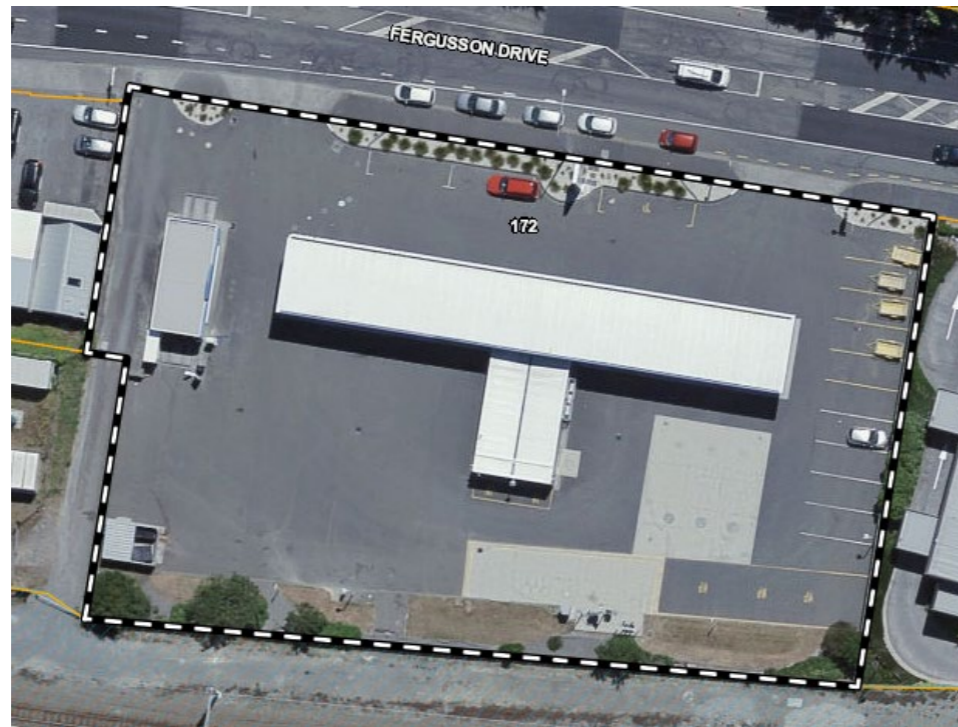


*View north from Fergusson Street (Source: Google Maps).*

172 Fergusson Drive



Aerial showing proposed zoning of site and surrounding properties (Source: Upper Hutt City Council eMaps)



Aerial showing site layout including landscaping (Source: Upper Hutt City Council eMaps)

Operative  
Commercial

Proposed  
Mixed Use Zone

Maximum landscaped area  
500m<sup>2</sup>

Site size  
2,880m<sup>2</sup>

Commercial

- No limit on number of residential units.
- Maximum building height of 8m

General Residential zone

- One residential unit and family flat per site.
- Maximum building height of 8m.

Mixed Use Zone

- Up to six residential units per site that must meet acoustic and ventilation requirements.
- Maximum height of 26m.

High Density Residential Zone

- Up to six residential units per site.
- Maximum building height of 20m.

Comment

Taller building heights enabled on adjoining MUZ sites with residential buildings of greater height and density enabled on neighbouring HRZ properties.



View east from Fergusson Drive (Source: Google Maps)



View west from Fergusson Drive (Source: Google Maps)

**Z Energy Limited**

Z Trentham – 432 Fergusson Drive

Operative  
Commercial

Proposed  
Mixed use Zone

Site size  
2,280m<sup>2</sup>

Maximum landscaped area  
580m<sup>2</sup>

General Residential zone

- One residential unit and family flat per site.
- Maximum building height of 8m.

Mixed Use Zone

- Up to six residential units per site that must meet acoustic and ventilation requirements.
- Maximum height of 26m.

Comment

Residential buildings of greater height and density enabled on neighbouring HRZ properties.



Aerial showing proposed zoning of site and surrounding properties (Source: Upper Hutt City Council eMaps)



Aerial showing site layout including landscaping (Source: Upper Hutt City Council eMaps)



View east from Fergusson Road (Source: Google Maps)



View west from Fergusson Road (Source: Google Maps)

**Z Rimutaka – 1193 Fergusson Drive**

Operative Zone  
Commercial

Proposed Zone  
Mixed Use Zone

Site area  
3,400m<sup>2</sup>

Maximum area of landscaping  
250m<sup>2</sup>

- Commercial
- No limit on number of residential units.
  - Maximum building height of 8m

- General Residential zone
- One residential unit and family flat per site.
  - Maximum building height of 8m.

- Mixed Use Zone
- Up to six residential units per site that must meet acoustic and ventilation requirements.
  - Maximum height of 26m.

- General Residential Zone
- Up to three residential units per site.
  - Maximum building height of 11m.

Comment  
Taller building heights enabled on adjoining MUZ sites with residential



Aerial showing proposed zoning of site and surrounding properties (Source: Upper Hutt City Council eMaps)



Aerial showing site layout including landscaping (Source: Upper Hutt City Council eMaps)

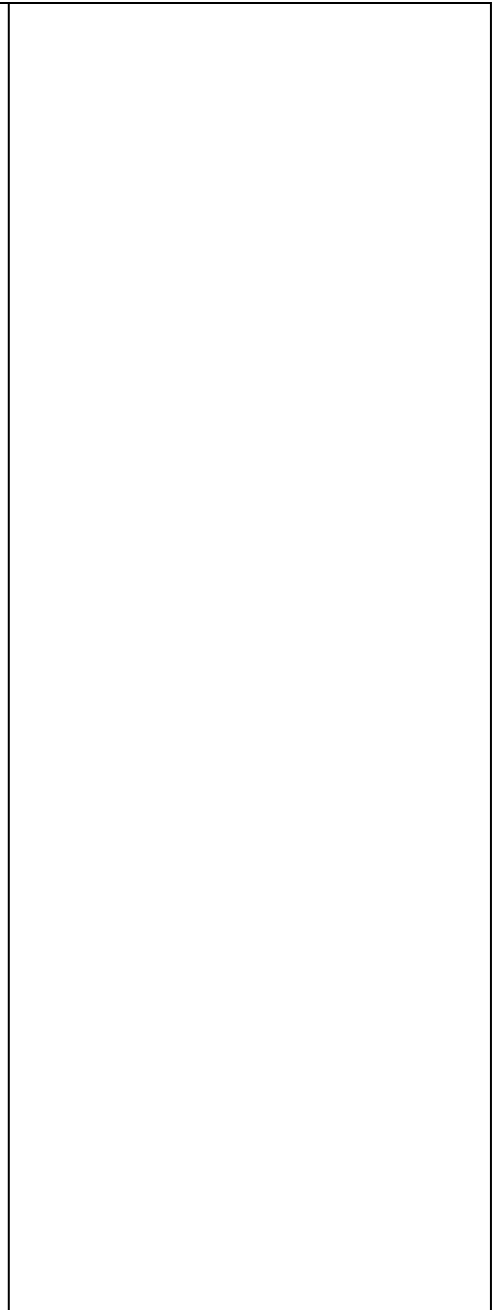
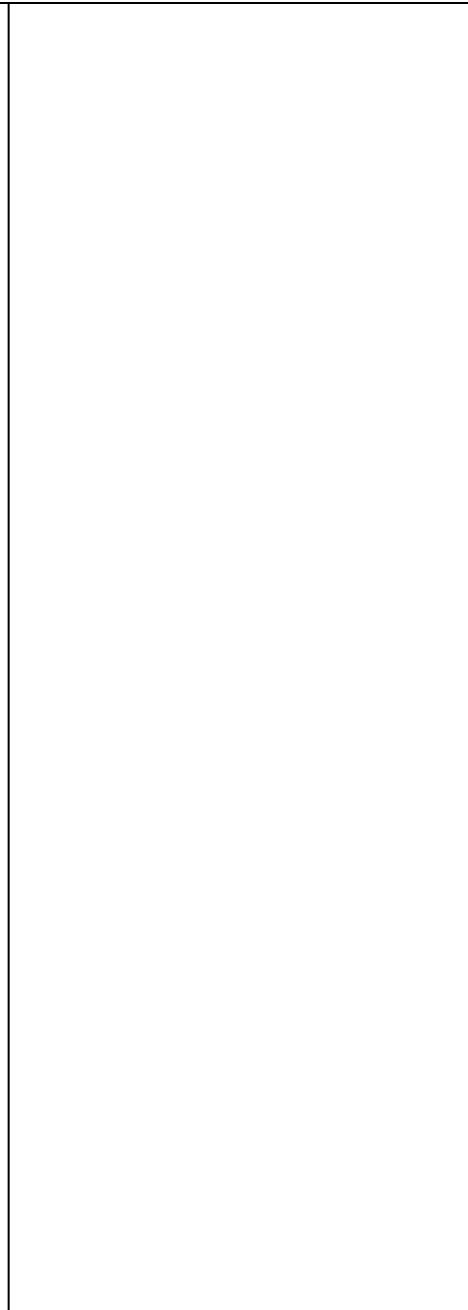
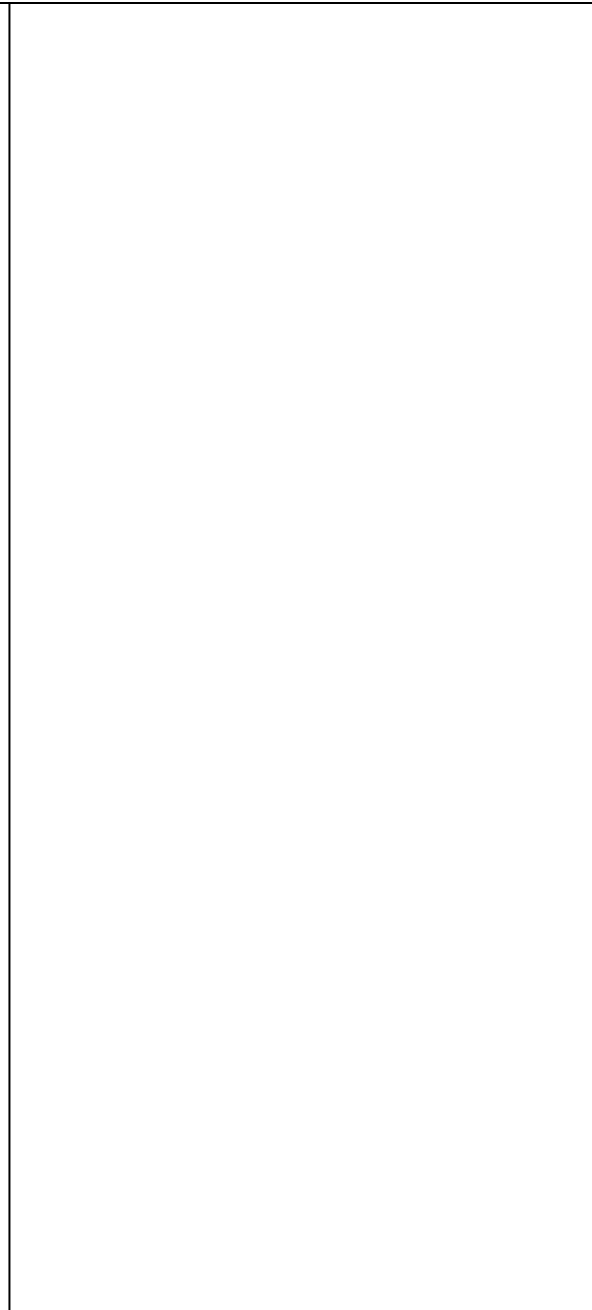
buildings of greater height and density enabled on neighbouring HRZ properties.



*View north west from Fergusson Drive (Source: Google Maps)*



*View south west from Fergusson Drive (Source: Google Maps)*



## Appendix B: The Fuel Companies' and Z Energy Submission Points

Table 1: Fuel Companies submission to the IPI

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined</u> and <del>struck out</del> , Fuel Company relief <b>highlighted</b> )	Reporting Officer's position	Fuel Companies' position
<b>Definitions</b>						
1	Drive-Through activity	Support	<p>The definition of drive-through activity is supported insofar as it relates to customers generally being vehicle-centric (as opposed to pedestrian-centric) and includes service stations.</p> <p>The proposed definition of drive through activity is as follows: <i>means any activity with a substantial focus on drive-through transactions, including service stations and drive-in or drive-through retail and services outlets and restaurants.</i></p>	<b>Retain</b> the definition as notified insofar as it relates to customers generally being vehicle-centric (as opposed to pedestrian-centric) and includes service stations.	<b>Accept</b>	<b>Accept</b>
2	Service Station	Support and Oppose	<p>The amendments to the definition of service station are supported in that the amended definition includes the refuelling of motorised vehicles. Electric vehicles (EVs) contain an electric motor (but not an internal combustion engine) so the refuelling of EVs is considered to be included in this definition.</p> <p>The proposed definition of service station is as follows: <i>means a vehicle orientated facility where the principal activity is the refuelling of motorised vehicles and sale of products and services associated with fuels and/or motor vehicles including lubricating oils, kerosene, LPG, spare parts, carwash facilities. It may also include ancillary activities such as car wash facilities, trailer hire and the sale of food and beverage.</i></p> <p>The definition is also supported, in the context of the IPI only to the extent that it describes the principal activity as being the refuelling of motorised vehicles AND the sale of certain products and services (associated with fuels and/or motor vehicles). The term 'and' in this definition implies that both components would need to be met in order for the activity to be a service station, meaning that unstaffed service stations (ie: those without a retail shop), would not be permitted activities in, for example, the Mixed Use zone. While that can be supported in the context of the IPI, the definition of service station is used throughout the Plan and including in zones not affected by the IPI. As an example, service stations that do not meet the new definition (eg: truck stops) would no longer be controlled activities in the Industrial zone. Accordingly, the change proposed to this definition has consequential implications on the entire district plan, changes which are not supported by the Fuel Companies and are considered questionable in terms of scope.</p>	<b>Retain</b> the definition as notified but apply it only to those zones affected by the IPI; or <b>Retain</b> the definition as notified but ensure that the status of a <i>vehicle orientated facility where the principal activity is the refuelling of motorised vehicles and sale of products</i> does not consequentially change throughout the plan. As an <i>example</i> , ensure that the status of truck stop activities in the industrial zone is not inadvertently changed.	<p><b>Accept in part</b></p> <p><b>See body of report</b></p> <p>I have considered the proposed IPI amendments to the definition for service station, and I agree with the submitters that the proposed changes will have consequences for service stations across all zones in the City. I consider it would be out of scope of sections 80E and 80G of the RMA for changes to definitions under the IPI to have an effect on how activities are provided for in non-IPI zones.</p> <p>In terms of the reasons for the proposed changes to the definition for service station, it appears this has been driven by a desire to introduce regional consistency of defined terms between district plans in the region rather than to address an identified issue.</p> <p>I therefore recommended submissions S32.4 - Z Energy Limited, and S33.4 - Fuel Companies be accepted in part, and that the existing District Plan definition for <i>service station</i> be retained without amendment. I do not consider it practicable to amend the proposed IPI definition for <i>service station</i> so it only applies to the zones affected by the IPI as this would require two definitions for 'service station' to be applied within different zones.</p>	<b>Accept</b>
<b>General Residential Zone</b>						



Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined and struck out</u> , Fuel Company relief <u>highlighted</u> )	Reporting Officer's position	Fuel Companies' position
3	Policies	Support in Part	<p>The overall suite of proposed policies are broadly supported however they do not appear to cover all relevant matters that the rules and standards seek to achieve.</p> <p>The IPI has potential to generate reverse sensitivity effects on lawfully established non-residential activities, particularly those operating at the interface with residential zones but also in mixed-use zones with increased residential density and this is not appropriately recognised throughout the policy framework of the GRZ.</p> <p>For the reasons set out in Schedule A above, it is appropriate that further policy direction in this regard be provided. A new policy is therefore sought to be amended to recognise that reverse sensitivity effects can affect residential amenity and provide direction that such effects should be minimised through design.</p>	<p><b>Include</b> a new Policy as follows:</p> <p><u>New residential development should be designed to minimise reverse sensitivity effects on existing non-residential activities</u></p>	<p><b>Reject</b></p> <p>It is not necessary to add a specific reverse sensitivity policy to the IPI, however other amendments are recommended to add reverse sensitivity effects to the matters of discretion to other specific rules.</p>	<b>Addressed in Evidence</b>
4	Rule GRZ-R11	Support in part	<p>Rule GRZ-R11, as amended, provides that buildings which do not comply with permitted activity standards are a restricted discretionary activity (RDA). This amendment is supported.</p> <p>The matters over which discretion is restricted are listed under the Rule in the same table and includes an amendment to matter 7 and proposed additional matters 9, 10 and 11.</p> <p>The Fuel Companies consider that residential amenity will be better protected for larger-scale and higher-density residential developments where they have been appropriately designed to manage reverse sensitivity where there is an interface with a Mixed-Use Zone, or with lawfully established non-residential activities.</p> <p>The relief sought is consistent with design principle 1(c): The Site of the National medium density design guide (Ministry for the Environment, May 2022) which seeks that current or proposed nearby non-residential activities are identified and that the development responds to them.</p>	<p><b>Amend</b> the Matters of Discretion under Rule GRZ-R11 as follows:</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <p>(1) Height and sunlight access.  (2) Setbacks and coverage.  (3) Landscaping and screening.  (4) Provision of and effects on utilities and/or services.  (5) Standard, construction and layout of vehicular access, manoeuvring and traffic safety.  (6) Streetscape effects.  (7) Effects on <del>neighbourhood character and amenity</del>.  (8) Financial contributions.  <u>(9) The matters contained in the Medium and High Density Design Guide in Appendix 1.</u>  <u>(10) measures to avoid, remedy or mitigate adverse effects.</u>  <u>(11) Cumulative effects.</u>  <u>(12) Reverse sensitivity effects on existing lawfully established non-residential activities.</u></p> <p><u>This rule does not apply to residential units.</u></p>	<p><b>Accept in Part</b></p> <p>I agree the consideration of reverse sensitivity effects is appropriate within the GRZ due to the greatly enabled heights and densities enabled by the IPI, and the corresponding increased likelihood of reverse sensitivity effects as more people and households live in closer proximity to non-residential activities.</p> <p>I recommend reverse sensitivity effects in general should be added to the restricted discretionary activity rules within the GRZ rather than the specific wording requested by submitter S33. I consider such an approach falls within the powers of the Hearings Panel under clause 99(2) of Schedule 1 of the RMA. Consequently, I recommend submissions S33.9, S33.10 and S33.11 – Fuel Companies be accepted in part, and the IPI be amended as set out in the recommended IPI amendments section below.</p>	<b>Accept</b>
5	New Rule GRZ-R12A	Support in part	<p>New Rule GRZ-R12A is supported insofar as it provides that construction and use of 4 or more residential units that comply with the listed standards is a restricted discretionary activity.</p> <p>However, the matters of discretion listed below the rule (which may also be used to impose conditions) do not go far enough to enable all relevant effects on residential amenities to be appropriately assessed.</p> <p>The Fuel Companies consider that residential amenity will be better protected for larger-scale and higher-density residential developments where they have been appropriately designed to manage reverse</p>	<p><b>Amend</b> the Matters of Discretion under Rule GRZ-R12A as follows:</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <p><u>(1) The matters contained in the Medium and High Density Design Guide in Appendix 1.</u>  <u>(2) Site layout.</u>  <u>(7) The matters contained in the Code of Practice for Civil Engineering Works.</u>  <u>(8) Transport effects.</u></p>	<p><b>Accept in part</b></p> <p>It is agreed reverse sensitivity effects in general should be within the Council's matters of discretion for the consideration of resource consents that breach some of the standards listed in Rule GRZ-R12A – in particular GRZ-S4 – Setbacks.</p> <p>However, it is not considered necessary to include reference to lawfully established</p>	<b>Accept</b>

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined</u> and <del>struck out</del> , Fuel Company relief <u>highlighted</u> )	Reporting Officer's position	Fuel Companies' position
			<p>sensitivity where there is an interface with a Mixed-Use Zone, or with lawfully established non-residential activities.</p> <p>The relief sought is consistent with design principle 1(c): The Site of the National medium density design guide (Ministry for the Environment, May 2022) which seeks that current or proposed nearby non-residential activities are identified and that the development responds to them.</p>	<p>(3) Cumulative effects. <u>(XX) Reverse sensitivity effects on existing lawfully established non-residential activities.</u></p> <p><i>Note: it is recommended that the numbering is fixed.</i></p>	<p>non residential activities on account of the IPI definition for <i>reverse sensitivity</i> providing sufficient clarity on this matter.</p> <p>It is considered the management of reverse sensitivity effects falls under Section 80E(1)(b)(iii) as a related provision that is consequential on the MDRS and Policy 3 of the NPS-UD. The increased permitted development enabled by the MDRS and Policy 3 has the potential to increase the likelihood of reverse sensitivity effects. It is recommended to amend Rule GRZR12A by adding an additional matter of discretion as follows (Note: recommended minor corrections pursuant to Clause 16(2), Schedule 1 of the RMA are also recommended to the IPI as shown in red text - but are not included below:</p> <p><b>(6) Reverse sensitivity effects.</b></p>	
6	Rule GRZ-R12B	Support in part	<p>New Rule GRZ-R12B is supported insofar as it provides that construction and use of residential units that is not a PA and not covered by Rules R12 or R12A is an RDA.</p> <p>For the same reasons as identified and explained in Submission point 5 above, an amendment is sought.</p>	<p><b>Amend</b> the Matters of Discretion under Rule GRZ-R12B as follows:</p> <p><u>Council will restrict its discretion to, and may impose conditions on:</u></p> <p><u>(1) The matters contained in the Medium and High Density Design Guide in Appendix 1.</u> <u>(2) Site layout and design.</u> <u>(3) The matters contained in the Code of Practice for Civil Engineering Works.</u> <u>(4) Consideration of the effects of the standard not met.</u> <u>(5) Transport effects.</u> <u>(6) Methods to avoid, remedy, or mitigate adverse effects.</u> <u>(7) Cumulative effects.</u> <u>(8) Reverse sensitivity effects on existing lawfully established non-residential activities.</u></p>	<p><b>Accept in Part</b></p> <p><b>As above</b></p>	<b>Accept</b>
<b>High Density Residential Zone</b>						
7	Policy HRZ-P6	Support with amendment	<p>The IPI has potential to generate reverse sensitivity effects on lawfully established non-residential activities, particularly those operating at the interface with residential zones but also in centre and mixed-use zones with increased residential density and this is not appropriately recognised throughout the policy framework of the HDRZ.</p> <p>For the reasons set out in Schedule A above, it is appropriate that further policy direction in this regard be provided. Policy HRZ-P6 is therefore sought to be amended to recognise that reverse sensitivity effects can affect residential amenity and provide direction that such effects should be minimised through design. The Fuel Companies would support an amendment to another policy with similar effect or a</p>	<p><b>Amend</b> Policy HRZ-P6 as follows:</p> <p><u>Provide for and encourage medium and high density residential development <del>that is consistent with the Council's Medium and High Density Design Guide in Appendix 1</del> that achieves a built form that contributes to high-quality built environment outcomes including by:</u></p> <p><u>(i) Requiring designs to be consistent with Council's</u></p>	<p><b>Reject</b></p> <p>The Council is required to enable building heights of at least 6 stories within the HRZ. The purpose of Policy HRZ-P6 is to provide policy direction for the consideration and application of the Medium and High Density Design Guide</p> <p>It is considered addressing potential reverse sensitivity effects is an important resource management issue due to the</p>	<b>Addressed in Evidence</b>

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined and struck out</u> , Fuel Company relief <u>highlighted</u> )	Reporting Officer's position	Fuel Companies' position
			new policy which appropriately addresses the management of effects of reverse sensitivity.	<u>Medium and High Density Design Guide in Appendix 1; and</u> (ii) <u>Minimising reverse sensitivity effects on existing lawfully established non-residential activities</u>	significant increase in permitted development the IPI is required to enable within relevant residential zones. Therefore, it is recommended in response to other submission points to include reverse sensitivity effects as a matter of discretion to the HRZ rules.	
8	Standard HRZ-S1	Support	Standard HRZ-S1 states that the standards and matters of discretion contained in the GRZ chapter are applicable to permitted activities in the HRZ unless specifically provided for in the HRZ table below. This approach is supported.	Retain Standard HRZ-S1 as notified.	Accept	Accept
9	Standard HRZ-S2	Support in part	Permitted Activity Standard HRZ-S2 requires buildings in the HRZ to not exceed 20m in height. The same table also identifies the matters of discretion to consider where that standard is not met.  The Fuel Companies consider that residential amenity will be better protected for larger-scale and higher-density residential developments, and where a development does not meet the PA height limit, where they have been appropriately designed to manage reverse sensitivity where there is an interface with a Centre or Mixed-Use Zone, or with lawfully established non-residential activities.  The relief sought is consistent with design principle 1(c): The Site of the National medium density design guide (Ministry for the Environment, May 2022) which seeks that current or proposed nearby non-residential activities are identified and that the development responds to them.	Amend Standard HRZ-S2 as follows:  <u>Matters of discretion are restricted to:</u> (1) <u>Height and sunlight access.</u> (2) <u>Effects on public spaces</u> (3) <u>Setbacks and coverage.</u> (4) <u>Landscaping and screening.</u> (5) <u>Privacy effects.</u> (6) <u>The matters contained in the Medium and High Density Design Guide in Appendix 1.</u> (7) <u>Whether the building location, design, appearance, and scale is compatible in form and scale with the neighbourhood's planned built character.</u> (8) <u>Reverse sensitivity effects on existing lawfully established non-residential activities.</u>	Accept in part  I agree reverse sensitivity effects in general should be within the Council's matters of discretion for the consideration of resource consents where the maximum building height standard of HRZ-S2 is not met. I consider that residential buildings that breaches the permitted height standard in the High Density Residential Zone are likely, in some scenarios, to place additional people in closer proximity to adjacent non-residential activities compared to permitted activity development. In my opinion, this can increase the likelihood of reverse sensitivity effects arising.	Accept
10	Standard HRZ-S3	Support in part	Permitted Activity Standard HRZ-S3 requires buildings in the HRZ to comply with HIRTB recession planes. The same table also identifies the matters of discretion to consider where that standard is not met.  For the same reasons as identified above in submission point 9, the Fuel Companies consider that an amendment by way of addition to the matters of discretion is required.	Amend Standard HRZ-S3 to include the following matter of discretion:  (7) <u>Reverse sensitivity effects on existing lawfully established non-residential activities.</u>	Accept in part.  I agree reverse sensitivity effects in general should be within the Council's matters of discretion for the consideration of resource consents where the maximum height in relation to boundary standard of HRZ-S3 is not met. I consider that residential buildings that breach the height in relation to boundary standard in the High Density Residential Zone are likely, in some scenarios, to place more people in closer proximity to adjacent non-residential activities compared to permitted activity development. In my opinion, this may increase the likelihood of reverse sensitivity effects arising.	Accept
11	Standard HRZ-S4	Support in part	Permitted Activity Standard HRZ-S4 requires buildings in the HRZ to comply with a building coverage standard of 70%. The same table also identifies the matters of discretion to consider where that standard is not met.  For the same reasons as identified above in submission point 9, the Fuel Companies consider that an amendment by way of addition to the matters of discretion is required.	Amend Standard HRZ-S4 to include the following matter of discretion:  (7) <u>Reverse sensitivity effects on existing lawfully established non-residential activities.</u>	Accept in part.  In my opinion, buildings that breach the site coverage standard in the High Density Residential Zone may, in some scenarios, place more people in closer proximity to adjacent non-residential activities	Accept

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined</u> and <del>struck out</del> , Fuel Company relief <b>highlighted</b> )	Reporting Officer's position	Fuel Companies' position
					compared to permitted activity development. I consider this may increase the likelihood of reverse sensitivity effects arising.	
12	Standard HRZ-S5	Support in part	Permitted Activity Standard HRZ-S5 requires that there shall be no more than 6 residential units per site. The same table also identifies the matters of discretion to consider where that standard is not met.  For the same reasons as identified above in submission point 9, the Fuel Companies consider that an amendment by way of addition to the matters of discretion is required.	<b>Amend</b> Standard HRZ-S5 to include the following matter of discretion:  <u>(7) Reverse sensitivity effects on existing lawfully established non-residential activities.</u>	<b>Accept in part.</b>  I note the submitter has made similar requests across the IPI, and I address some of these requests in sections 14 and 20 of this report. Consistent with my opinion expressed elsewhere in this report, I agree with submitter S33 that reverse sensitivity effects in general should be within the Council's matters of discretion for the consideration of resource consents where the maximum number of residential units per site under standard of HRZ-S5 is not met.	<b>Accept</b>
13	Rule HRZ-R8	Support in part	Rule HRZ-R8 provides that buildings within the HRZ that exceed 20 metres in height are an RDA. The same table also identifies the matters of discretion to consider where that Rule is not met.  For the same reasons as identified above in submission point 9, the Fuel Companies consider that an amendment by way of addition to the matters of discretion is required.	<b>Amend</b> Rule HRZ-R8 to include the following matter of discretion:  <u>(8) Reverse sensitivity effects on existing lawfully established non-residential activities.</u>	<b>Reject</b>  It is agreed reverse sensitivity effects in general should be within the Council's matters of discretion for the consideration of resource consents for buildings under rule HRZ-R8. However, rule HRZ-R8 is recommended for deletion in response to submission S58.170 - Kianga Ora: Homes and Communities. Rule HZR-R8 duplicated rule HRZ-R2.2, and is therefore surplus to requirements.	<b>Accept</b>
<b>Mixed-Use Zone</b>						
14	Objective MUZ-O1	Support	The Fuel Companies support new Objective MUZ-O1 which provides that the mixed use zone accommodates a wide range of activities, including commercial, recreational, entertainment, large format retail and car focused activities as well as compatible light industrial activities and residential activities. The non-residential activities service the needs of business and surrounding residential catchments. The objective is supported because it caters for a range of activities within the zone.	<b>Retain</b> MUZ-O1 as notified.	<b>Reject</b>  Support for the objective is acknowledged, however an amendment is recommended in response to submission S62.16 - Silverstream Land Holdings Limited.  <b>Updated objective</b>  <i>The Mixed Use Zone accommodates a wide range of activities, including commercial, recreational, entertainment, large format retail and car focused activities as well as compatible light industrial activities and residential activities. The non-residential activities service the needs of business and surrounding residential catchments.</i>	<b>Accept</b>

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined</u> and <del>struck out</del> , Fuel Company relief <u>highlighted</u> )	Reporting Officer's position	Fuel Companies' position
15	Objective MUZ-02	Support in part	<p>The Fuel Companies support new Objective MUZ-02 in part.</p> <p>The heading associated with the objective is "Character and Amenity Values of the Mixed Use Zone". The associated objective doesn't appear to cover all aspects that the heading indicates that the objective relates to, at least in a way that makes it clear what the intent of the objective is. The objective doesn't appear to address amenity values of the Mixed Use Zone which is understood to be founded on controls to ensure that the mix of activities are compatible. To better address the objective for the character and amenity values for the zone it is suggested an amendment is necessary.</p>	<p><b>Amend MUZ-02 as follows:</b></p> <p><u>Mixed Use Zones are vibrant, attractive and safe urban environments. The built environment is well-designed, reflects the wide mix of <b>compatible residential and non-residential</b> activities and is generally of a medium to high scale and density.</u></p>	<p><b>Accept in part</b></p> <p>I consider that due to the mix of activities provided for in the MUZ including light industrial activities and residential activities, the compatibility of activities is an important principle for the MUZ provisions. Therefore, I agree the addition of 'compatible' would be consistent with the zone framework.</p> <p>However, I consider that the requested addition of 'compatible residential and non-residential' activities is problematic as the District Plan does not include a definition for <i>non-residential activities</i>, but it does use this term throughout the plan alongside other types of activities such as community facilities. On this basis I consider the inclusion of the words 'residential and non-residential' could introduce an element of uncertainty, and therefore I do not recommend this part of the submission be accepted.</p>	<b>Accept</b>
16	Objective MUZ-03	Support in part	<p>The Fuel Companies support new Objective MUZ-03 in part.</p> <p>The Fuel Companies consider it is important to manage effects between activities in the mixed use zone and activities on adjoining zones, in particular zones which enable more sensitive activities, including residential activities. It is just as important to manage the effects of activities within the zone with other activities in the same zone, given that it enables a mix of activities including more sensitive activities such as residential. This approach is reflected in Policy P2, Rule R16 and Standard S4 and on this basis, an amendment is sought at the objective level.</p>	<p><b>Amend MUZ-03 heading, and text as follows:</b></p> <p><u>Managing Effects <b>on Residential Amenity and at the Zone Interface</b></u></p> <p><u>Use and development within the Mixed Use Zone are of an appropriate scale and manages potential adverse effects on:</u></p> <ol style="list-style-type: none"> <li><u>the amenity values of adjoining sites in Residential or Open Space and Recreation Zones.</u></li> <li><u>the amenity values of residential activities within the same Zone.</u></li> <li><u>reverse sensitivity.</u></li> </ol>	<p><b>Reject</b></p> <p>I do not agree with the request to restrict objective MUZ-03 to the consideration of effects on residential amenity at the zone interface. I note that activities at the zone interface can also include lawfully established non-residential activities such as healthcare activities or education activities established via resource consent. In my opinion, non-residential activities that have been lawfully established in residential zones may be just as sensitive to reverse sensitivity effects as residential activities.</p> <p>I consider it is the intention of MUZ-03 to manage all potential adverse effects on activities within adjoining residential or open space zones. Therefore, I do not consider it appropriate to amend MUZ-03 to shift its focus solely to effects on residential amenity.</p> <p>With respect to the requested amendments to add 'the amenity values of residential activities within the same zone', and 'reverse sensitivity' as subclauses within MUZ-03, I consider that this is already appropriately addressed by Policies MUZ-P1 and MUZ-P2. I therefore</p>	<b>Accept</b>

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined</u> and <del>struck out</del> , Fuel Company relief <u>highlighted</u> )	Reporting Officer's position	Fuel Companies' position
					recommend submission S33.21 - Fuel Companies be rejected.	
17	Policy MUZ-P2	Support	The Fuel Companies support MUZ-P2 because it seeks to minimise reverse sensitivity effects on non-residential activities.	<b>Retain</b> Policy MUZ-P2 as notified.	<b>Accept</b>	<b>Accept</b>
18	Rule MUZ-R3	Support	Demolition of buildings is a permitted activity under Rule MUZ-R3 and this is supported.	<b>Retain</b> Rule MUZ-R3 as notified.	<b>Accept in part</b>  An amendment to add an advice note to MUZ-R3 is recommended in response to submission S72.12 - Te Rūnanga o Toa Rangatira.  <b>New advice note:</b> <i>Note: Prior to demolition commencing, confirm whether rules in chapter HH- Historic Heritage apply.</i>	<b>Accept</b>
19	Rule MUZ-R14	Support	Proposed Rule MUZ-R14 permits drive through activities, subject to meeting two qualifying standards; one relating to GFA and one relating to MUZ-S6. The existing definition of drive through activities includes service stations and is supported. The activity status for drive through activities in Rule MUZ-R14 is supported, including insofar as it does not differentiate between new or existing drive through activities and therefore includes additions, alterations, redevelopment, upgrades, new structures and changes to an existing service station / drive through activity. The requirement for permitted activity drive throughs to comply with the two qualifying standards is supported subject to clarification that compliance is not required for ongoing operation, maintenance, changes and upgrades to existing service stations.	<b>Retain</b> the permitted activity status of Drive through activities in rule MUZ-R14 subject to meeting two qualifying standards relating to GFA and Standard MUZ-S6.	<b>Reject</b>  Permitted activity standards under rule MUZ-R14(1) apply to all new service stations and alterations to existing activities such as an upgrade to an existing service station. If the permitted activity standards under MUZ-R14(1) are not met, restricted discretionary consent is required under rule MUZ-R14(2).	<b>Accept</b>
20	Rule MUZ-R16	Support	Rule MUZ-R16 permits residential activities in the Mixed Use Zone where, inter alia, compliance is achieved with Standard MUZ-S4 (Noise and Ventilation). This rule is supported in that it appropriately protects new residential activities from potential effects from existing non-residential activities on adjoining sites	<b>Retain</b> Rule MUZ-R16 as notified.	<b>Accept</b>	<b>Accept</b>
21	Standard MUZ-S4	Support	Standard MUZ-S4 requires residential units to meet internal sound insulation standards in habitable rooms. The Fuel Companies support this standard and the associated Matters of Discretion because they both seek to manage effects of reverse sensitivity.	<b>Retain</b> Rule MUZ-S4 and associated matters of discretion as notified.	<b>Accept</b>	<b>Accept</b>
<b>Medium and High Density Design Guide</b>						
22	New Medium and High Density Design Guide	Support in part	The Medium and High Density Design Guide is supported in part. It does not, however, mention a key good design principle of responding to the existing environment in terms of managing reverse sensitivity effects (not just in terms of responding to design for a high-quality built form outcome).  The Fuel Companies therefore consider that the Medium and High Density Design Guide should be amended to include Point 1(c) on Page	<b>Amend</b> the Medium and High Density Design Guide so that it includes the following as an early-stage design criteria for medium and high density housing:  <u>Identifying current or proposed non-residential activities nearby may also influence how the development responds; for example, minimising noise impacts of commercial activities and sites near main roads and railways.</u>	<b>Reject</b>  Although I agree that addressing potential reverse sensitivity effects is an important part of the design process, I consider that addressing potential reverse sensitivity effects is already adequately provided throughout the IPI.	<b>Accept</b>

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined and struck out</u> , Fuel Company relief <u>highlighted</u> )	Reporting Officer's position	Fuel Companies' position
			6 of the <i>National Medium Density Design Guide (Ministry for the Environment, May 2022)</i> <sup>1</sup> , which states (emphasis added):  <i>How close the development is to local centres, public transport services, and cycling infrastructure can help to determine site accessibility requirements. Identifying current or proposed non-residential activities nearby may also influence how the development responds, for example, maximising frontages to parks or <b>minimising noise impacts of commercial activities and sites near main roads and railways.</b></i>			
<b>Transport and Parking Chapter</b>						
23	Rule TP-R3	Support	Proposed new Rule TP-R3 permits activities, buildings and structures if site access if compliant with Standard TP-S1. This new rule is supported in principle.	Retain Rule TP-R3 as notified.	<b>Accept in part</b>  No substantive amendments are recommended to TP-R3, however it is recommended to correct a minor typographical error.	<b>Accept</b>
24	Standard TP-S1	Support with clarification	Proposed new Standard TP-S1 requires site access (if required or provided) to comply with six standards. Each are commented on below:  1. The requirement that accessways and manoeuvring areas shall be formed and surfaced in accordance with the Council's CoP for Civil engineering Works ( <i>the CoP</i> ) is supported in principle. However, the CoP is comprehensive and refers to all stages of design and construction, and so, to be able to demonstrate compliance with the standard at the building consent, COC or resource consent stage, it should be made clearer as to which sections (by reference or heading) of the CoP need to be met.  2. As above  3. The requirement that vehicle access to a corner allotment be not closer than 8m from the street corner is not opposed. The Fuel Companies seek clarification as to when the standard is triggered by an activity. For example, it is unclear whether it relates to changes to existing operations, maintenance and upgrades of existing service stations. The Fuel Companies do not consider it appropriate to require resource consent for access purposes for changes to existing lawfully established operations, in particular where operations, maintenance and upgrades will not materially change vehicle movements to / from an existing lawful activity and no changes to existing vehicle crossings are proposed. The Fuel Companies consider sub-standard 3 need only apply to new activities and therefore relief is sought.  4. <i>Where a corner allotment is located at an intersection of a national, primary or secondary arterial traffic route, as identified in TP-SCHED 1 – Roading Hierarchy, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.</i> – The Fuel Companies support this standard as it is important to protect signage so that road users have clear visibility of all information necessary them to make clear and safe decisions. The standard, however, could potentially come into conflict	<b>Amend</b> Standard TP-S1 as follows:  <u>Where site access is required or provided the following standards apply:</u>  <u>(1) All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works (Sections X and Y). Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal.</u>  <u>(2) Sites shall have practical vehicle access to car parking and loading spaces (where provided or required), in accordance with the Code of Practice for Civil Engineering Works (Sections X and Y). This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road.</u>  <del>3) Adequate vehicular access shall be made available to the rear of every new building in accordance with the Code of Practice for Civil Engineering Works.</del>  <u>(3) Vehicular access to a corner allotment shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary</u>	<b>Reject</b>  It is recommended to reject this submission point for the following reasons: It is not necessary to specify the exact section of the Code of Practice for Civil Engineering Works as the location of the access requirements within the Code are indicated within the contents section. In addition, should the Council review the Code in the future, a Schedule 1 RMA plan change may be necessary to update the section reference.  The requested note below TP-S1(3) is not necessary or helpful for plan implementation. Existing use rights of existing lawfully established activities are provided for via section 10 of the RMA. It is noted the character, intensity, and scale of the effects of an activity must be the same or similar to those that existed before the rule became operative or the proposed plan was notified. Notes in plans are not necessary to assist in the interpretation of section 10 of the RMA.	<b>Accept reporting officers reasoning but consider advice note would assist with interpretation by plan users.</b>

<sup>1</sup> <https://environment.govt.nz/publications/national-medium-density-design-guide/>, accessed on 27 September 2022

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined</u> and <del>struck out</del> , Fuel Company relief <u>highlighted</u> )	Reporting Officer's position	Fuel Companies' position
			<p>with proposed Standard MUZ-S6 in the Mixed Use Zone (and potentially other landscaping standards in other Zones that require trees to be planted) because it requires road frontages to be planted with a mixture of vegetation including trees.</p> <p>5. Supported 6. Supported</p>	<p><u>arterial traffic route (as identified in the Transport and Parking (TP) Chapter) the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner allotment) join, or in accordance with the diagram below. Note: This standard only relates to new allotments, new activities, or, where associated with an existing lawfully established activities, where the activity will result in a material change to the number or change to the nature of vehicle trips to and from the site.</u></p> <p><u>(4) Where a corner allotment is located at an intersection of a national, primary or secondary arterial traffic route, as identified in TP-SCHED 1 – Roading Hierarchy, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.</u></p> <p><u>(5) At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in TP-Diagram 1.</u></p> <p><u>(6) Land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in TP-Diagrams 2 to 9.</u></p>		



Table 2: Z Energy submission to the IPI

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments underlined and struck-out, Z Energy relief highlighted)	Reporting Officer's position	Z Energy's position
<b>Definitions</b>						
1	Drive-Through activity	Support	<p>The definition of drive-through activity is supported insofar as it relates to customers generally being vehicle-centric (as opposed to pedestrian-centric) and includes service stations.</p> <p>The proposed definition of drive through activity is as follows: <i>means any activity with a substantial focus on drive-through transactions, including service stations and drive-in or drive-through retail and services outlets and restaurants.</i></p>	Retain the definition as notified insofar as it relates to customers generally being vehicle-centric (as opposed to pedestrian-centric) and includes service stations.	Accept	Accept
2	Service Station	Support and Oppose	<p>The amendments to the definition of service station are supported in that the amended definition includes the refuelling of motorised vehicles. Electric vehicles (EVs) contain an electric motor (but not an internal combustion engine) so the refuelling of EVs is considered to be included in this definition.</p> <p>The proposed definition of service station is as follows: <i>means a vehicle orientated facility where the principal activity is the refuelling of motorised vehicles and sale of products and services associated with fuels and/or motor vehicles including lubricating oils, kerosene, LPG, spare parts, carwash facilities. It may also include ancillary activities such as car wash facilities, trailer hire and the sale of food and beverage.</i></p> <p>The definition is also supported, in the context of the IPI only to the extent that it describes the principal activity as being the refuelling of motorised vehicles AND the sale of certain products and services (associated with fuels and/or motor vehicles). The term 'and' in this definition implies that both components would need to be met in order for the activity to be a service station, meaning that unstaffed service stations (ie: those without a retail shop), would not be permitted activities in, for example, the Mixed Use zone. While that can be supported in the context of the IPI, the definition of service station is used throughout the Plan and including in zones not affected by the IPI. As an example, service stations that do not meet the new definition (eg: truck stops) would no longer be controlled activities in the Industrial zone. Accordingly, the change proposed to this definition has consequential implications on the entire district plan, changes which are not supported by the Fuel Companies and are considered questionable in terms of scope.</p>	Retain the definition as notified but apply it only to those zones affected by the IPI; or Retain the definition as notified but ensure that the status of a <i>vehicle orientated facility where the principal activity is the refuelling of motorised vehicles and sale of products</i> does not consequentially change throughout the plan. As an <i>example</i> , ensure that the status of truck stop activities in the industrial zone is not inadvertently changed.	<p>Accept in part</p> <p>See body of report</p> <p>I have considered the proposed IPI amendments to the definition for service station, and I agree with the submitters that the proposed changes will have consequences for service stations across all zones in the City. I consider it would be out of scope of sections 80E and 80G of the RMA for changes to definitions under the IPI to have an effect on how activities are provided for in non-IPI zones.</p> <p>In terms of the reasons for the proposed changes to the definition for service station, it appears this has been driven by a desire to introduce regional consistency of defined terms between district plans in the region rather than to address an identified issue.</p> <p>I therefore recommended submissions S32.4 - Z Energy Limited, and S33.4 - Fuel Companies be accepted in part, and that the existing District Plan definition for <i>service station</i> be retained without amendment. I do not consider it practicable to amend the proposed IPI definition for <i>service station</i> so it only applies to the zones affected by the IPI as this would require two definitions for 'service station' to be applied within different zones.</p>	Accept
<b>Mixed-Use Zone</b>						
3	Rule MUZ-R3	Support	Demolition of buildings is a permitted activity under Rule MUZ-R3 and this is supported.	Retain Rule MUZ-R3 as notified.	<p>Accept in part</p> <p>An amendment to add an advice note to MUZ-R3 is recommended in response to submission S72.12 - Te Rūnanga o Toa Rangatira.</p>	Accept

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments underlined and struck out, Z Energy relief highlighted)	Reporting Officer's position	Z Energy's position
					<b>New advice note:</b> <i>Note: Prior to demolition commencing, confirm whether rules in chapter HH-Historic Heritage apply.</i>	
4	Rule MUZ-R14	Support	Proposed Rule MUZ-R14 permits drive through activities, subject to meeting two qualifying standards; one relating to GFA and one relating to MUZ-S6. The existing definition of drive through activities includes service stations and is supported. The activity status for drive through activities in Rule MUZ-R14 is supported, including insofar as it does not differentiate between new or existing drive through activities and therefore includes additions, alterations, redevelopment, upgrades, new structures and changes to an existing service station / drive through activity. The requirement for permitted activity drive throughs to comply with the two qualifying standards is supported subject to clarification that compliance is not required for ongoing operation, maintenance, changes and upgrades to existing service stations.	<b>Retain</b> the permitted activity status of Drive through activities in rule MUZ-R14 subject to meeting two qualifying standards relating to GFA and Standard MUZ-S6.	<b>Reject</b>  Permitted activity standards under rule MUZ-R14(1) apply to all new service stations and alterations to existing activities such as an upgrade to an existing service station. If the permitted activity standards under MUZ-R14(1) are not met, restricted discretionary consent is required under rule MUZ-R14(2).	<b>Addressed in Evidence</b>
5	Rule MUZ-R14(1)A	Oppose	The first qualifying standard (Condition 1a.) for PA status under MUZ-R14 identified above, is as follows: The gross floor area of the activity including parking and manoeuvring areas does not exceed 1,500m <sup>2</sup> .  Z Energy does not support this condition if it includes the car parking and manoeuvring areas of service stations, such as forecourt areas, parking spaces associated with car care facilities and /or entry/ exit and other hardstand areas facilitating access throughout the site. – To apply the qualifying standard in that way would effectively mean that service stations were not permitted activities, as most modern service stations have an area exceeding 1500m <sup>2</sup> .  Z Energy seeks to exclude parking and manoeuvring areas at service stations from the calculation of GFA.	Amend Rule MUZ-R14(1)(a) to exclude parking and manoeuvring areas at service stations from the calculation of GFA. One way of achieving this outcome would be to make the following changes:  Drive through Activity 1. Activity status: Permitted Where: a. The gross floor area of the activity <u>including parking and manoeuvring areas does not exceed 1,500m<sup>2</sup>. For the purposes of this standard, except for service stations, gross floor area shall include parking and manoeuvring areas; and</u>	<b>Reject</b>  The effect of the submitter's requested amendment would be that virtually all service stations would be treated as permitted activities no matter what the scale of effects generated. This outcome would be contrary to objectives MUZ-O1 – Purpose of the Mixed Use Zone, and MUZO2 – Character and Amenity Values of the Mixed Use Zone. These objectives seek to accommodate a range of activities including compatible light industrial and residential activities, and create vibrant, attractive, and safe urban environments. A large service station has the potential to result in adverse effects, such as traffic effects, that may be contrary to these objectives.	<b>Accept.</b>  Z Energy's interest in this standard relates to its existing service stations. These operate under existing land use consents. While Z has concerns with respect to how this rule might apply to changes that are beyond the scope of those consents, it has no development plans for either site and does not address this matter further.
6	Rule MUZ-R14(1)(b)	Support	The second qualifying standard (Condition 1b.) for PA status under MUZ-R14 is as follows: ... Compliance is achieved with MUZ-S6 (Landscaping and Screening). The requirement for permitted activity drive throughs to comply with 1b. is supported, notwithstanding that changes are sought to MUZ-S6 (Landscaping and Screening), (see separate submission points).	Retain	<b>Accept.</b>  <b>No amendments are proposed.</b>	<b>Accept</b>
7	Standard MUZ-S6	Oppose	In order to maintain the PA status under MUZ-R14 identified above, the second condition that is required to be met is Standard MUZ-S6 (via MUZR14(1)(b)).  MUZ-S6 requires, inter alia, service areas and car parking areas to be screened, provision of landscaping or screening along a road boundary if there is car parking, and provision of at least 5% landscaping cover of ground level parking areas.  Screening of service areas from adjoining sites are required to be "adequately screened" where they are visible from various areas. It is	Amend Standard MUZ-S6 as follows:  Clarify the intent of clause 1 by deleting the word "adequately" and by amending the requirement to screen such areas from ground level only of adjoining more sensitive zoned land (unless the intent is to require full enclosure of such areas, in which case that outcome needs to be included if it can be justified). One way of achieving this would be to amend as follows:	<b>Accept in part</b>  With respect to clause 1, I agree that the term 'adequately' is too subjective for a permitted activity standard, and it would therefore be appropriate to delete this.  I also agree that inserting 'the ground level' into clause c) is appropriate, as in my opinion, it would be unreasonable for the	<b>Accept changes to Clause 1, 2(a) and 3</b>  <b>Clause (2(b)) addressed in Evidence</b>

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments underlined and struck out, Z Energy relief highlighted)	Reporting Officer's position	Z Energy's position
			<p>not clear what is meant by "adequately screened". Furthermore, screening of such areas from adjoining sites is an impracticable requirement, unless full enclosure of such areas is the desired outcome, such screening should only be required from ground floor level of those sites. Clarification of the intent of this clause is required.</p> <p>Existing and established service stations have a significant 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. Clause 2(b) has the potential to compromise functional operations at existing Z Energy service station sites. As such, it is considered an exclusion for such activities to meeting clause 2(b) is warranted.</p> <p>Clause 3 requires additional landscaping for ground level parking areas not contained within buildings. Clarification is required that this landscaping is not in addition to the landscaping required in clause 2, for example, where the ground level parking is along the site boundary <u>directly adjoining a site zoned Residential or Open Space and Recreation, or directly adjoining the front boundary.</u></p>	<p><u>1. Any on-site service areas, including rubbish collection areas, and areas for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be <del>adequately</del> screened by a fence or landscaping where they are visible from any:</u></p> <p><u>a. Public road;</u>  <u>b. Other public space; or</u>  <u>c. <del>The ground level of any</del> directly adjoining site zoned Residential or Open Space and Recreation.</u></p> <p>Amend clause 2, clarify what is meant by "fully screened" from adjoining more sensitive zones by including a reference to 1.8m high fencing or the equivalent in landscaping. And exclude existing service stations from compliance with clause 2(b). One way of achieving this would be to make changes as follows:</p> <p><u>2. Any on-site parking area must:</u></p> <p><u>a. Be fully screened, by either <del>a 1.8m high fence fencing or the equivalent in landscaping or a combination of both</del>, from any directly adjoining site zoned Residential or Open Space and Recreation.</u></p> <p><u>b. Where located along a street edge, provide a landscaping strip that extends at least 1.5m from the boundary with the road and comprise a mix of trees, shrubs and ground cover plants, without preventing the provision of an entry point to the site. This does not apply to individual parking spaces for residential development, if provided <del>or where the site is utilised by an existing service station activity.</del></u></p> <p>Amend clause 3, such that it does not apply in addition to the landscaping required in clause 2 (i.e.: for ground level parking along a site boundary <u>directly adjoining a site zoned Residential or Open Space and Recreation, or directly adjoining the front boundary.</u>)</p> <p><u>3. At least 5% of any ground level parking area not contained within a building must be landscaped and not directly adjoining the boundaries where screening or landscaping is required by clause (2) above.</u></p>	<p>standard to be interpreted to include views from the upper levels of buildings.</p> <p>Regarding the requested amendment to clause 2.a, I consider it would be more appropriate to amend it to reflect the same recommended wording to standard 1.c.</p> <p>I consider that the requested amendment to clause 2.b. is unnecessary, as in my opinion, existing service stations would enjoy existing use rights and therefore would not need to comply with the standard. Existing service stations would only need to comply with the standard if adding building, alterations, or otherwise increasing the size of the service station. I therefore do not recommend any amendments to clause 2.b.</p> <p>I do not consider the requested amendment to clause 3 to be appropriate, as in my opinion, this would reduce the amount of landscaping required for ground level parking areas. I consider that <b>it is not</b> the intention of the provisions for the landscaping required for screening under clause 2.a. to be also used as car parking landscaping. I note that in the event of this scenario, the resource consent process enables the case-by-case consideration to ensure the intent of the standard will still be met.</p> <p>I therefore recommend submission S32.9 - Z Energy Limited be accepted in part, and MUZ-S6 be amended as set out in the 'Recommended Amendments to IPI' section below.</p> <p><u>1. Any on-site service areas, including rubbish collection areas, and areas for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be <del>adequately</del> screened by a fence or landscaping where they are visible from any:</u></p> <p><u>a. Public road;</u>  <u>b. Other public space; or</u>  <u>c. <del>The ground level of any</del> directly adjoining site zoned Residential or Open Space and Recreation.</u></p> <p><u>2. Any on-site parking area must</u></p> <p><u>a. Be fully screened by a fence or landscaping from the ground level of any</u></p>	

Sub Point	Plan Provision	Position	Reason	Relief Sought (IPI amendments <u>underlined</u> and <del>struck out</del> , Z Energy relief <b>highlighted</b> )	Reporting Officer's position	Z Energy's position
					<i>directly adjoining site zoned Residential or Open Space and Recreation.</i>	