

5 July 2024

SLR Ref No.: Submitter 196 - Fuel Companies - Hearing Statement for Hearing B v1.0

Attention: Hearing Administrator
Timaru District Council
PO Box 522
Timaru 7940

Via email: pdp@timdc.govt.nz

SLR Project No.: 810.V08652.00001

RE: Proposed Timaru District Plan - Hearing B - Hearing Statement of the Fuel Companies (Submitter 196)

Introduction

1. This hearing statement is prepared on behalf of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) on Hearing B for the Proposed Timaru District Plan (the PDP).
2. This hearing statement represents the views of the Fuel Companies and is not expert evidence. The Fuel Companies will not be attending the hearing but request that this hearing statement be tabled before the Hearings Panel.
3. The Fuel Companies have an interest in the PDP to the extent that it relates to, or impacts on, their sites and activities in the Timaru District.
4. The recommendations of the following reports have been reviewed:
 - a. section 42A report on the Residential, Commercial and Mixed Use Zones prepared Liz White and dated 18 June 2024; and
 - b. section 42A report on the General Industrial Zone and Port Zone prepared by Alanna Hollier and dated 20 June 2024.
5. Overall, the Fuel Companies are of the view that the recommendations of Mses Hollier and White are generally appropriate.

Neighbourhood Centre Zone

6. The Fuel Companies' submission 196.84 requested the following amendment to Policy NCZ-P2 (additions underlined and deletions ~~struckthrough~~):

NCZ-P2 Residential activities

Enable new residential activities where:

a. they are located above ground floor level; ~~and with an~~

b. there is appropriate area of outdoor living space; and

c. they are designed to minimise potential reverse sensitivity effects on existing non-residential activities.

7. Ms White recommends that the Fuel Companies' submission 196.84 is rejected with her reasoning set out in paras [6.14.8] - [6.14.9]:

6.14.8 With respect to NCZ-P2, the purpose of the NCZ is to provide for small-scale commercial activities which serve the local area. The built form anticipated, and reflected through the standards is complementary to these zones being located within residential neighbourhoods. Provision is also made for residential activities located above the ground floor level, as this is not expected to "take up" space for the types of small-scale commercial activities anticipated. Given the limited scale and nature of commercial activities anticipated, I do not consider that there is a need to place additional controls on residential activities in relation to reverse sensitivity. While I note the submitters have sought a change at the policy level, I consider this would need to be implemented through some sort of rule change or additional standard, because at present, under NCZ-R2, residential activity is permitted, subject only to be being located above ground floor level.

6.14.9 In terms of broader amenity matters, the only standard applying in relation to on-site amenity for residents pertains to outdoor living space, which is reflected in the notified wording of the policy. However, in a subsequent section of this report I have recommended that residential units also be subject to requirements to provide outlook space; as a consequence of this, I agree with extending the policy to more broadly refer to on-site amenity for occupants.

8. The Fuel Companies accept Ms White's recommendation.
9. Instead, based on Kāinga Ora submissions, Ms White recommends the following amendment to Policy TCZ-P2 (additions underlined and deletions ~~struckthrough~~):

NCZ-P2 Residential activities

Enable new residential activities where they are located above ground floor level and ~~with~~ provide an appropriate level of on-site amenity for occupants ~~area of outdoor living space~~.

10. The Fuel Companies support the above amendment.

Town Centre Zone

11. The Fuel Companies' submission 196.85 requested the following amendment to Policy TCZ-P2 (additions underlined and deletions ~~struckthrough~~):

TCZ-P2 Residential activities

Enable new residential activities where they are located above ground floor level and where they are designed to minimize potential reverse sensitivity effects on existing non-residential activities.

12. Ms White recommends that the Fuel Companies' submission 196.85 is rejected with her reasoning set out in para [6.24.13]:

6.24.13 With respect to expanding the residential activities policy to direct that residential activities must also be designed to minimize potential reverse sensitivity effects on existing nonresidential activities, I note that the submitter has not sought changes to the rule framework. It is therefore not clear to me what changes would be required to implement the change to the policy and therefore what the costs and benefits of the approach would be. While I do not recommend the policy is expanded to include this, I note that in response to submissions on the standards applying to residential activities (which are discussed in the section below relating to 'New Standards for Residential Activities') I have recommended the addition of standards which seek to more broadly ensure an appropriate level of on-site amenity is provided for residential activities. I therefore recommend that TCZ-P2 is amended to refer to maintaining an appropriate level of on-site amenity to support these standards.

13. Instead, based on Kāinga Ora submissions, Ms White recommends the following amendment to Policy TCZ-P2 (additions underlined and deletions ~~struckthrough~~):



*TCZ-P2 Residential activities**Enable new residential activities where they are located above ground floor level and maintain an appropriate level of on-site amenity for occupants.*

14. The Fuel Companies accept Ms White's recommendation.

Mixed Use Zone

15. The Fuel Companies made the following submission on the Mixed Use Zone (MUZ):

a. retain Policy MUZ-P4 as notified (196.86).

16. Ms White recommends that the Fuel Companies' submission 196.86 is accepted. The Fuel Companies' support Ms White's recommendations.

Port Zone

17. The Fuel Companies made the following submissions on the Port Zone (PORTZ):

- a. retain the geographic extent of the PORTZ as notified (196.79);
- b. retain the provisions of the PORTZ as notified (196.80);
- c. retain the objectives of the PORTZ as notified and amend labelling errors (196.81);
- d. retain the policies of the PORTZ as notified and amend labelling errors (196.82); and
- e. retain Rule PORTZ-R1 as notified (196.83).

18. Ms Hollier's recommendations are summarised as follows:

- a. accept in part the Fuel Companies' submission 196.79 as a minor correction to the PORTZ map layer title is recommended;
- b. accept the Fuel Companies' submission 196.80;
- c. reject the Fuel Companies' submission 196.81 as there are no labelling errors;
- d. reject the Fuel Companies' submission 196.82 as there are no labelling errors;
- e. accept the Fuel Companies' submission 196.83; and

19. The Fuel Companies' support Ms Hollier's recommendations.

General Industrial Zone

20. The Fuel Companies made a further submission on Kāinga Ora submission 229.168 which requested the following amendments to Policy GIZ-P1 (additions underlined and deletions ~~struckthrough~~):

*GIZ-P1 Industrial activities**Enable a range of industrial activities and associated activities where:*

1. ancillary activities are conducted on the same site as the primary industrial activity; and
2. the activity does not include residential activities; and
3. they are compatible and complementary to the purpose, character and qualities of the General Industrial Zone; and
4. Offensive trades and hazardous facilities are not permitted to establish on a site, adjacent to another site with an open space and recreation, or residential zoning.



21. The Fuel Companies sought that Kāinga Ora's submission 229.168 be disallowed in part by rejecting the proposed insertion of clause (4).
22. Ms Hollier recommends that Kāinga Ora's submission 229.168 is accepted in part (i.e., accept the amendment to clause (2) and reject the insertion of proposed clause (4)). The Fuel Companies' support Ms Hollier's recommendation.

Concluding Statement

23. In summary, the Fuel Companies:
 - a. accept Ms White's NCZ recommendation on their submissions 196.84;
 - b. accept Ms White's TCZ recommendation on their submissions 196.85;
 - c. support Ms White's MUZ recommendation on their submission 196.86;
 - d. support Ms Hollier's PORTZ recommendations on their submissions 196.79, 196.80, 196.81, 196.82 and 196.83; and
 - e. support Ms Hollier's GIZ recommendation on Kāinga Ora submission 229.168 (which the Fuel Companies' made a further submission on).
24. Thank you for your time and acknowledgement of the issues raised in the submissions of the Fuel Companies. Please do not hesitate to contact the writer should you wish to clarify any matters addressed herein.

Regards,

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