

5 July 2024

SLR Ref No.: Submitter 116 - Z Energy - 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 Z Energy Limited (Submitter 116)

Introduction

1. This hearing statement is prepared on behalf of Z Energy Limited (Z Energy) on Hearing B for the Proposed Timaru District Plan (the PDP).
2. This hearing statement represents the views of Z Energy and is not expert evidence. Z Energy will not be attending the hearing but request that this hearing statement be tabled before the Hearings Panel.
3. Z Energy has 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.

Town Centre Zone

5. Ms White's recommendations on Z Energy's submissions on the Town Centre Zone (TCZ) are summarised below:
 - a. accept in part submission 116.20 to retain the zoning of Z Temuka (46 King Street, Temuka) as notified;
 - b. accept submission 116.21 to retain the TCZ zoning of Z Geraldine (44 Waihi Terrace, Geraldine) as notified;
 - c. accept in part submission 116.22 to retain TCZ-O1 as notified;
 - d. reject submission 116.23 to exclude existing service stations from the verandah requirement discussed in TCZ-P4;
 - e. accept submission 116.24 to retain TCZ-R1 as notified;
 - f. accept in part submission 116.25 to retain TCZ-R6 as notified; and
 - g. accept submission 116.26 to retain TCZ-S5 as notified.

6. In regard to submission 116.23, Z Energy sought that existing service stations be excluded from the TCZ verandah requirement as the policy fails to recognise that there are some areas where development on the main street frontages in Temuka and Geraldine, does not currently meet these “streetscape” type criteria and where, for existing activities at least, such provision would be unreasonable. Service stations have a functional requirement to be designed in the manner they are, and it is unreasonable for existing service stations to provide a veranda with development on the sites.
7. Ms White recommends submission 116.23 be rejected. Z Energy maintains that, at the policy level, there should be an exclusion for activities that cannot provide a verandah due to functional or operational needs. Apart from service stations, an example where the requirement may be unreasonable and lead to unintended consequences is the St John Ambulance Hall site at 47 King Street, Temuka which is opposite to Z Energy’s Temuka service station.
8. The building’s ambulance garage extends to the King Street road frontage and boundary and development or façade alteration could require a verandah¹ along the entire building frontage of up to 11 m depth² and external edges of 2.7 m to 3 m above the footpath, where the footpath is set well away from the building. In order for an activity involving this building’s façade to be permitted activity, a large verandah would be required even if the installation would be unreasonable, costly, and adversely affect manoeuvring and site operations. There are no apparent exclusions for vehicle access and manoeuvring areas. If a verandah is not provided, resource consent would be required and, additionally, the notified matters of discretion do not recognise functional or operational needs which, in this instance, is reasonable to include as a matter of discretion, in particular for emergency vehicles. Z Energy considers that:
 - a. vehicle access and manoeuvring areas should be excluded from the verandah requirement; AND
 - b. activities that cannot provide a verandah due to functional or operational needs should be excluded from the verandah requirement; OR
 - c. if an exclusion is not made, TCZ-P4 and associated TCZ-S5 should be amended so that the Council can have the ability to consider the functional or operational needs of activities that cannot comply.
9. Regarding Z Energy’s other submissions:
 - a. Z Energy is unclear why Appendix 2 of the section 42A report recommends submission 116.20 be accepted in part when para [6.2.2] of the report recommends it be accepted. Z Energy suspects this may be a drafting error but seeks clarification from Ms White that her recommendation is to accept the submission.
 - b. Z Energy is unclear why Ms White mentions an amendment to TCZ-R6 in para [6.25.18] of the section 42A report when no amendments are shown in Appendix 1. Z Energy seeks clarification from Ms White as to her recommended amendment.
 - c. Z Energy supports Ms White’s recommended amendment to TCZ-O1 to insert “and passers-by”.

¹ TCZ-S5 currently excludes buildings that are set back from the road frontage a distance equal to or greater than the width of a verandah that could comply with TCZ-S5(2)(a); this exclusion would not apply to the St John Ambulance Hall as it is situated along the road frontage.

² As TCZ-S5(2)(a) requires the verandah to extend from the supporting building to a distance of 600 m from the vertical line of the kerb face.



10. Overall, Z Energy:

- a. supports Ms White's recommendations on submissions 116.21, 116.22, 116.24 and 116.26;
- b. requests clarification regarding Ms White's recommendations on submissions 116.20 and 116.25; and
- c. disagrees with Ms White's recommendation on submission 116.23 and seeks the amendments set out in para [8] of this hearings statement.

General Industrial Zone

11. Ms Hollier's recommendations on Z Energy's submissions on the General Industrial Zone (GIZ) are summarised below:
 - a. accept submission 116.27 to retain the zoning of Z Washdyke (55 Sheffield Street, Timaru) as notified;
 - b. reject submission 116.28 to delete PER-1 of GIZ-R1;
 - c. accept in part submission 116.29 to delete the building façade colour requirements of GIZ-S4;
 - d. accept in part submission 116.30 to retain GIZ-S5 as notified;
12. Z Energy accepts Ms Hollier's recommended amendments to GIZ-R1, GIZ-S4 and GIZ-S5. Z Energy supports Ms Hollier's recommendations on submissions 116.27 to 116.30.
13. Z Energy made further submissions opposing Waka Kotahi NZ Transport Agency (NZTA) submissions 143.173 and 143.174 on GIZ-P1 and GIZ-P2 respectively. Z Energy supports Ms Hollier's recommendation to reject these submissions.
14. Z Energy made a further submission opposing the proposed insertion of clause (4) to GIZ-P1 in Kāinga Ora submission 229.168. Z Energy supports Ms Hollier's recommendation to reject the insertion of clause (4).

Mixed Use Zone

15. Ms White's recommendations on Z Energy's submissions on the Mixed Use Zone (MUZ) are summarised below:
 - a. accept submission 116.14 to retain the zoning of Z Caroline Bay (62 Theodosia Street, Timaru) as notified;
 - b. accept submission 116.16 to retain MUZ-O1 as notified;
 - c. accept submission 116.17 to retain MUZ-P2 as notified;
 - d. accept submission 116.18 to retain MUZ-R1 as notified;
 - e. accept in part submission 116.19 to amend MUZ-S4 to clarify that outdoor storage areas should not be visible from ground level.
16. Ms White's recommended amendment to MUZ-S4 is different to that proposed in Z Energy's submission 116.19 but achieves the submission's intent. Z Energy supports Ms White's recommendations on submissions 116.14 and 116.17 to 116.19.
17. Z Energy made a further submission opposing the proposed insertion of clause (2) to MUZ-S4 in Kāinga Ora submission 229.134. Z Energy supports Ms White's recommendation to reject this submission.



Concluding Statement

18. In summary, Z Energy:

- a. supports Ms White's TCZ recommendations on submissions 116.21, 116.22, 116.24 and 116.26;
- b. requests clarification regarding Ms White's TCZ recommendations on submissions 116.20 and 116.25;
- c. disagrees with Ms White's TCZ recommendation on submission 116.23 and seeks the amendments set out in para [8] of this hearings statement;
- d. supports Ms Hollier's GIZ recommendations on submissions 116.27 to 116.30;
- e. supports Ms Hollier's GIZ recommendations on NZTA submissions 143.173 and 143.174, and Kāinga Ora submission 229.168.
- f. supports Ms White's MUZ recommendations on submissions 116.14 and 116.17 to 116.19; and
- g. supports Ms White's MUZ recommendations on Kāinga Ora submission 229.134.

19. Thank you for your time and acknowledgement of the issues raised in the submissions of Z Energy. Please do not hesitate to contact the writer should you wish to clarify any matters addressed herein.

Regards,

SLR Consulting New Zealand



Thomas Trevilla

Senior Project Consultant – Planning
Email: thomas.trevilla@slrconsulting.com
Mobile: 020 400 06702

