

22 February 2023

Porirua Proposed District Plan – Hearings Panel  
c/- Jack Marshall  
Hearing Administrator  
Porirua City Council

By e-mail: [jack.marshall@poriruacity.govt.nz](mailto:jack.marshall@poriruacity.govt.nz)  
CC: [dpreview@poriruacity.govt.nz](mailto:dpreview@poriruacity.govt.nz)

Dear Jack,

**RE: HEARING STREAM 7: VARIATION 1, PLAN CHANGE 19, RESIDENTIAL,  
COMMERCIAL AND MIXED-USE ZONES – HEARING STATEMENT ON BEHALF OF Z  
ENERGY LIMITED (SUBMITTER 92)**

**1. Introduction**

- 1.1 I refer to the abovementioned matter set down for the hearing commencing 13 March 2023. Z Energy Limited (*Z Energy*) lodged a submission to the Proposed Porirua District Plan (*PDP*) in November 2020 and a further submission in May 2021. It did not prepare a separate submission to Variation 1 to the PDP (Variation 1) which was notified in August 2022.
- 1.2 This Hearing Statement has been prepared on behalf of Z Energy and represents its views. It is not expert evidence. Z Energy will not be attending the hearing but asks that this Hearing Statement be tabled before the Panel.
- 1.3 Z Energy's submission to the PDP addressed provisions relating to its service station sites at Z Mana and Z Mungavin and its truck stop in Plimmerton. A brief further submission was submitted which opposes Paremata Residents Association (*PRA*) submission point 190.11 which inter alia and in essence sought to "screen" Z Mana (to protect the residents' views).
- 1.4 Z Energy supports all s42A recommendations of the Reporting Officer, subject to one point of clarification, as set out in the following sections of this hearing statement and **Attachment A**. **Attachment A** to this statement contains a Table describing each submission point to the PDP by Z Energy, whether it was varied by Variation 1, what the s42A Reporting Officer's recommendation is in relation to Z's submission points to the PDP, and confirms Z Energy's current position of support relating to each matter. The key conclusions of the Table in Attachment A are set out below.

**2. Submission Points 92.2, 92.3, 92.4, 92.5, 92.6, 92.8, 92.9, 92.10**

- 2.1 Z Energy supports the recommendation of the s42A Reporting Officer without exception or caveat in relation to submission points 92.2, 92.4, 92.5 92.9 and 92.10.

- 2.2 Submission Point 92.3 relates to the mapping of the Active Street Frontage at 143 Mana Esplanade. Z Energy supports the s42A Reporting Officer's recommendation on the grounds that, as amended under Variation 1, Standard LCZ-S4 does not apply to existing service stations. Accordingly, Z Energy supports the change introduced by Variation 1 being retained as proposed.
- 2.3 Submission Point 92.6, relates to excluding existing service stations from compliance with Standard LCZ-S4. As amended under Variation 1, Standard LCZ-S4 does not apply to existing service stations. Z Energy supports the recommendation of the s42A Reporting Officer, subject to the change introduced by Variation 1 being retained as proposed.
- 2.4 Submission Point 92.8, relates to the screening required by Standard LCZ-S7. Z Energy supports the recommendation of the s42A Reporting Officer, subject to the proposed height requirement for the screening standard (1.8m), introduced by Variation 1, being adopted.

### **3. Further Submission Point to PRA Submission 190.11**

- 3.1 Z Energy opposed the relief sought by Submitter 190 in its submission point 190.11. The submitter inter alia sought to protect residential views. The Reporting Officer recommends the submission point is rejected. Z Energy supports the recommendation of the s42A Reporting Officer in relation to this matter.

### **4. Submission Point 92.7**

- 4.1 Z Energy sought the inclusion of new text in the interpretation section of the Local Centre Zone (LCZ) Design Guide which was referred to in former policy LCZ-P5 of the PDP.
- 4.2 The need to include a note in the Local Centre Zone Design Guide to exclude service stations is recommended to be rejected by the Reporting Officer in the s42A report for Commercial Zones.
- 4.3 The design guide is located in Appendix 7 of the PDP and was, prior to Variation 1, referred to in Policy LCZ-P5. Under Variation 1 the policy framework has been amended and the Guide is now only referred to in Policy 7 (LCZ-P7). The Reporting Officer's reasoning for this change is in part contained in paragraph 183 of the Commercial Zones s42A report, responding to submission point raised by Waka Kotahi, and follows:

*Para 183: In relation to their requested amendment to LCZ-P5 (now LCZ-P7 larger scale built environment) (sic) to reference higher density built development as well as medium density built development, I would note that the policy was significantly amended by Variation 1 and now refers to built development needing to reflect the planned urban built environment of the zone. This is described in LCZ-O2 and refers to medium rise buildings and a greater intensity of built form in identified locations....*

- 4.4 A service station, or additions to / redevelopment of, an existing service station, requires a Discretionary activity consent under proposed Rule LCZ-R23 and therefore will require an assessment against the LCZ policy framework. LCZ-P7 now relates to "larger scale built development".
- 4.5 In Zs view, new or additions or alterations to existing, service stations are not considered to meet the definition or interpretation of "larger scale built development". Alterations and additions to

service stations will not typically be medium rise nor will they result in a greater intensity of built form than anticipated by the LCZ zone.

- 4.6 On the basis of the reasoning in the s42A Report, Z Energy considers that Policy LCZ-P7 is not applicable to such an activity. Those activities should therefore be appropriately covered by Policy 6 (LCZ-P6 – small scale-built development) from Variation 1. However, Z Energy is not convinced that the express intent of the application of these two policies is clear. Z seeks clarification that the two policies will indeed be interpreted over time consistently and as the s42A Reporting Officer intends.
- 4.7 Z Energy records that no changes appear to be either sought or recommended to the reference to ‘larger scale built development’ or LCZ-02. On that basis, Z Energy supports the recommendation of the s42A Reporting Officer in relation to submission point 92.7, subject to the proposed changes to LCZ-S4, LCZ P5/P7 and LCZ-P6 being accepted, and, importantly, to the retention of the description of ‘larger scale built development’ in LCZ-02 and its continued relationship with LCZ-P7 as described.
- 4.8 **Appendix A** provides further commentary.

## 5. Concluding Statement

- 5.1 In summary, Z Energy supports all of the s42A Reporting Officer’s recommendations including where some of that support relies on, or is “subject to”, a number of other provisions being determined as is recommended by the s42A Reporting Officer. **Attachment A** contains a tabular summary of each submission point, what Z Energy’s position is in relation to each recommendation by the s42A Reporting Officer, and whether or not that position of support is subject to any other outcome/decision occurring, including what that outcome is.
- 5.2 Thank you for your time and acknowledgement of the issues raised in Z Energy’s submissions. Z Energy will not be attending the hearing but asks that this Hearing Statement be tabled before the Panel. Please do not hesitate to contact the writer on 021 022 23527 or [sarahw@4sight.co.nz](mailto:sarahw@4sight.co.nz) should you wish to clarify any matters addressed herein.

Kind Regards,



Sarah Westoby  
Principal Planner  
4Sight Consulting Ltd

## Attachment A

### Porirua PDP including Variation 1 (Z Energy Submission ID 92)

#### Review of s42A Reports and Officer's Recommendations

Submission Reference	Zs Submission and Relief sought	Variation 1 amendment to provision	S42A Reporting Officer's recommendation	Z Energy Position to be tabled for Hearing 7
92.2	<u>Retain</u> the zoning of Z MANA -143 Mana Esplanade, Mana as Local Centre.	N/A	S42A Officer recommends that Submission Ref: 92.2 to retain the zoning of Z Mana is <b>accepted</b> .	Z Energy supports the recommendation of the s42A Reporting Officer in relation to this submission point.
92.3	<u>Delete</u> the Active Street Frontage – Primary Frontage Control from Z MANA -143 Mana Esplanade, Mana.	N/A	<p>S42A Officer recommends the submission point is <b>rejected</b>.</p> <p><i>Para 166. Z Mana Site: Mr McIndoe considers that the primary frontage requirement for this site should be retained but that the wording of LCZ-S4 should also be amended. He considers that in this situation where the frontages may be set back from the edge but remain prominent, it is appropriate that a certain minimum amount of glazing is required and that the 55% identified in the standard is appropriate.</i></p> <p><i>The above will ensure that these sites have positive interfaces with the streetscape and public spaces, as required by LCZ-P9-2 (Z Mana and New World Whitby) and LFRZ-P8-2 (5 John Seddon Drive), when they are redeveloped or undergo other building works that trigger the active frontage standard. In so doing this appropriately implements LCZ-O2 and LFRZ-O2 to achieve a safe and attractive urban built environment that contributes positively to the streetscape for the Local Centre and Large</i></p>	<p>Z Energy supports the s42A Reporting Officer's recommendation on the grounds that as varied under Variation 1, Standard LCZ-S4 does not apply to existing service stations, subject to the change introduced by Variation 1 being retained as proposed. Also noting that Mr McIndoe (para 39 of his evidence) recommends a change to the definition of Primary Frontage in the plan as follows to respond to the issue raised by the submission:</p> <p>2. For sites with primary street-facing façade controls identified on the planning maps:</p> <p>a. At least 55% of the ground floor building frontage must be display windows or transparent glazing; and</p> <p>b. The principal public entrance to the building must be located <del>on</del> <u>fac</u>ing the front boundary.</p> <p>Z Energy entirely supports the reasons for his proposed change as expressed in Para 40 of his evidence, including his statements that:</p>

			<p><i>Format Retail zones.</i></p> <p><i>I recommend for the reasons given in the assessment, that the submissions from Z Energy Limited [92.3] .... <b>be rejected.</b></i></p> <p>This is because the submission point was to the original PDP and the subsequently proposed Variation 1 has already given effect to the submission, meaning that the relief sought in the submission point is no longer required to give effect to the intent of the submission.</p>	<p>40.6 To require that the front entry is built at the front boundary is inappropriate for this site, for the type of development here and in other zones with vehicle oriented retail, and is inconsistent with the character of its neighbourhood...</p>
92.4	<p><u>Retain</u> the zoning of Z MUNGAVIN AVE– 5 Mungavin Ave, Ranui as Local Centre.</p>	N/A	<p>S42A Reporting Officer recommends that Submission Ref: 92.4 to retain the zoning of Z Mungavin <b>is accepted</b></p>	<p>Z Energy supports the recommendation of the s42A Reporting Officer in relation to this submission point.</p>
92.5	<p><u>Retain</u> Rule LCZ-R17 insofar as it provides for drive through activities including service stations as a discretionary activity.</p>	N/A	<p>S42A Reporting Officer recommends that Submission Ref 92.5 <b>is accepted.</b></p>	<p>Z Energy supports the recommendation of the s42A Reporting Officer in relation to this submission point.</p>
92.6	<p><u>Amend</u> Rule LCZ-S4 so that it does not apply to existing service station developments. This could be achieved by making the follow amendments:</p>	<p>Variation 1 introduced the exclusion as requested to the whole standard as follows: <i><u>Except that:</u></i></p> <p><i><u>This standard does not apply to existing service stations.</u></i></p>	<p>S42A Reporting Officer recommends the submission point is <b>rejected.</b></p> <p><i>“I recommend for the reasons given in the assessment ... the submissions... by Z Energy Limited [92.6],.. <b>be rejected.</b> “</i></p> <p>This is because the submission point was to the original PDP and the subsequently proposed Variation 1 has already given effect to the submission, meaning that the relief sought in the submission point is no longer required to give effect to the intent of the submission.</p>	<p>Z Energy supports the recommendation of the s42A Reporting Officer in relation to this submission point, subject to the change introduced by Variation 1 (the exception clause) being retained as proposed.</p>
92.7	<p><u>Include</u> new text in the interpretation section of the</p>	N/A	<p>S42A Reporting Officer recommends the submission point is <b>rejected.</b></p>	<p>Z Energy supports the recommendation of the s42A Reporting Officer in relation to this</p>

	Local Centre Zone Design Guide		<p>Para 295. <i>I disagree with Z Energy Ltd [92.7] regarding the need to include a note in the Local Centre Zone Design Guide excluding service stations. These facilities can have significant effects on the quality of an urban environment, including the movement network for pedestrians and cyclists, street edge definition, and visual interest. While service stations have functional and operational requirements, this can be accommodated as part of an urban design evaluation of the overall facility including associated retail buildings. An Assessment of Effects on the Environment can be used to demonstrate the operational and functional requirements of the facility and how the overall development is consistent with the design guide, as required by LCZP7.</i></p>	<p>submission point, subject to the proposed changes to <b>LCZ-S4</b>, <b>LCZ P5/P7</b> and <b>LCZ-P6</b> being accepted, and to the retention of the description of ‘large scale development’ in <b>LCZ-02</b>.</p> <p>This recommendation is on the understanding that <b>LCZ P7</b> is clearly N/A to service station redevelopment, alterations or additions (as “small scale built development” to which LCZ P7 does not apply).</p> <p>While Z Energy disagrees that service station activities principally have significant adverse effects on the quality of an urban environment, Z Energy accepts that can be the case in some instances (e.g.: in the middle of certain “main street” central city or metropolitan environments). When designed and located well, service stations can operate safely and efficiently including accounting for the movement of pedestrians, cyclists and motorists. They also can be visually interesting and have a positive interface with a street. An example is Z Mana, located at the edge of a commercial area and adjacent to a 4 lane State highway that has a footpath but is not heavily pedestrianised.</p> <p>Notwithstanding that, the changes proposed to Standard <b>LCZ-S4</b> (excluding service stations from having to meet the pedestrian frontage standard) plus the change from <b>LCZ-P5 to LCZ-P7</b> (where</p>
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				consistency with the design guidelines relates to “larger-scale built development”, which service stations are not (refer <b>LCZ-02</b> ) plus the inclusion of new <b>LCZ-P6</b> that appears to provide for additions and alterations to existing buildings) means that an appropriate policy framework will be in place, notwithstanding the rejection of submission point 92.7.
92.8	Amend Rule LCZ-S7 to require screening to activities at ground level only from adjoining sites.	<p><b>Variation 1 amends LCZ-S7</b> as follows:</p> <p><i>1. Any on-site service area, including rubbish collection areas, and area for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be fully screened by a <u>1.8m high fence</u> or landscaping where it is visible from any:...</i></p> <p><i>2. Any on-site parking area must:</i></p> <p><i>Be fully screened by a <u>1.8m high fence</u> or landscaping from any directly adjoining site....</i></p>	<p>S42A Reporting Officer recommends the submission point is <b>rejected</b>.</p> <p>This is because the submission point was to the original PDP and the subsequently proposed Variation 1 has already given effect to the submission, meaning that the relief sought in the submission point is no longer required to give effect to the intent of the submission.</p>	<p>Z Energy supports the recommendation of the s42A Reporting Officer in relation to this submission point, subject to the proposed height requirement for the screening standard (at 1.8m) being adopted. This is acceptable as it now makes it clear that refuse areas and car parking areas etc do not need to be fully screened from first floor or above areas / windows.</p>

92.9	Retain the zoning of Z PLIMMERTON TRUCKSTOP - State Highway 1 [20 Northpoint Street], as Mixed Use Zone.	N/A	S42A Reporting Officer recommends that Submission Ref: 92.9 to retain MUZ zoning of Z Plimmerton TS is <b>accepted</b> .	Z Energy supports the recommendation of the s42A Reporting Officer in relation to this submission point.
92.10	Retain Rule MUZ-R13. Which permits Drive Through Activities in the MUZ provided (a) the GFA doesn't exceed 1500m <sup>2</sup> AND PROVIDED that (b) compliance with MUZ-S6 is achieved.	Variation 1 Deletes clause (b) from the rule meaning that to be a PA in the MUZ the Drive through activity does no need to comply with standard S6 – screening and landscaping.	S42A Reporting Officer recommends that submission point <b>92.10 is rejected</b> because the rule is different under Variation 1.  <i>In relation to the submissions seeking that the rules be retained as notified, all of the relevant rules were amended through Variation 1. As Variation 1 gives effect to the NPS-UD, I consider that the amendments are more appropriate than retaining the PDP wording as notified in 2020. Given the scale and nature of the changes to these rules, their retention as notified is not appropriate and as such recommend that all these submissions <b>be rejected</b>.</i>  This is because the submission point was to the original PDP and the subsequently proposed Variation 1 has already given effect to the submission, meaning that the relief sought in the submission point is no longer required to give effect to the intent of the submission.	Z Energy supports the recommendation of the s42A Reporting Officer in relation to this submission point, subject to Rule MUZ-R13 being retained as proposed/notified via Variation 1. The proposed Variation 1 version of Rule MUZ-R13 is supported, noting that it no longer requires the activity to comply with the screening and landscaping standard MUZ-S6.
Other Points	Definitions of - Drive through activity - Noise sensitive activity		N/A – covered in Hearing Stream 1 which is complete.	N/A
Further sub 190.11	Z Energy opposed the relief sought by Submitter 190 (Paremata Residents Association) which inter alia	N/A	S42A Reporting Officer recommends <b>rejecting</b> the relief sought by the Paremata Residents Association.	Z Energy supports the recommendation of the s42A Reporting Officer in relation to this submission point/further submission point.



	<p>sought to protect views from surrounding properties. Reasons for the opposition further submission include</p> <ul style="list-style-type: none"> <li>- The protection of residential views per se is not a relevant consideration under the RMA</li> <li>- There is no evidence supporting the appropriateness of a view protection mechanism in this location or weighing the relative costs and benefits of such a mechanism.</li> </ul> <p>(Note that this relates specifically to Z Mana)</p>		<p><i>... In relation to the submission from the Paremata Residents Association, they do not specify how the policy can be amended to treat these petrol station sites as a special case or what this involves.</i></p> <p>As a consequence, the further submission of Z Energy is accepted.</p>	
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