

**IN THE MATTER** of the Resource Management Act 1991 (*the RMA*)

**AND**

**IN THE MATTER** of the Proposed Waikato District Plan (*PWDP*)

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**STATEMENT OF EVIDENCE OF GEORGINA MCPHERSON FOR  
Z ENERGY LIMITED**

**(Sub 785 & FS 1089)**

**17 February 2021**

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## 1. EXECUTIVE SUMMARY

- 1.1 Z Energy Limited (*Z Energy*) lodged submissions on the Proposed Waikato District Plan (*PWDP*) seeking that the Z Pokeno Truck Stop at 41 Great South Road, Pokeno, be rezoned from Business Town Centre Zone (with verandah overlay) to Business Zone (with no verandah overlay). It considered this change would better recognise the nature of the existing land use activity at the truck stop site, which is more consistent with the stated intent and policy framework of the Business Zone than that of the Business Town Centre Zone. Furthermore, Z Energy considered it was inappropriate to apply the verandah overlay to the site because it was in clear contradiction to the land use activity.
- 1.2 The Z Energy submission also presents an alternative option of retaining the Business Town Centre zoning as notified in the *PWDP* subject to consequential changes to the Business Town Centre Zone provisions to recognise the investment associated with existing uses, the benefits they can provide to the community and the need for them to be maintained and upgraded from time to time.
- 1.3 The objective of Z Energy's proposal is to ensure the zone provisions applying to its truck stop at Pokeno make appropriate provision for the continued use and redevelopment of this existing facility. In my opinion, this objective will better promote the sustainable management of the land resource, as it will better enable Z Energy and the community to provide for their economic well-being, while at the same time ensuring that any adverse effects of activities on the environment are avoided, remedied or mitigated.
- 1.4 In terms of the rezoning option, my evidence concludes that rezoning of the Z Truck Stop site to Business Zone would not be suitable unless land to the east, which is also in the Business Town Centre Zone, was also rezoned to Business Zone. There does not appear to be scope to do so.
- 1.5 With regard to the alternative option of retaining the Business Town Centre zoning as notified, I recognise that the Business Town Centre Zone at Pokeno is aspirational rather than a reflection of current development and intended to facilitate a certain type of development and land use activity as Pokeno grows over time.
- 1.6 Accordingly, I consider that the Business Town Centre Zone could remain, provided the provisions for the Business Town Centre Zone are amended to ensure that adequate provision is made in the zone for additions and/or alterations to the existing truck stop, as sought in Z Energy's submission.

- 1.7 Currently, the Business Town Centre Zone makes no provision for commercial activities that have a different form and function to that envisioned for the Pokeno Town Centre. The provisions will make it difficult to undertake maintenance and upgrade work involving buildings at the existing truck stop, as the well-established functional and design requirements of truck stops will mean the specific urban design outcomes proposed for the Pokeno Business Town Centre Zone cannot be achieved.
- 1.8 To address the matters raised in Z Energy's submission, amendments are sought to Policies 4.5.18 and 4.5.29, as well as the deletion of Policy 4.5.20 and the verandah overlay from the Z Pokeno Truck Stop site.
- 1.9 The outcome sought by Policy 4.5.18 is unsuitable for the truck stop activity, which does not and cannot be made to fit in with typical urban design principals. In my opinion, this could be appropriately addressed by adding the exception sought in Z Energy's submission 589.4 to Policy 4.5.29 to Policy 4.5.18 instead. Such an exception would only relate to existing atypical activities and would enable reasonable assessment of the ongoing truck stop activity while it is in place, but also signal that over time, and in the event of the truck stop exiting the site, any new activity would have to comply with the main part of the policy.
- 1.10 Deletion of Policy 4.5.20 is sought to remove ambiguity about the location and extent of the 'pedestrian frontages' referred to in Policy 4.5.20, but not mapped or defined. The town centre specific policies (such as Policy 4.5.18 for Pokeno town centre) already address matters relating to pedestrian priority, amenity and provision of verandahs, such that Policy 4.5.20 is unnecessary.
- 1.11 Finally, I consider the verandah overlay should be deleted from the frontage of the Z Pokeno Truck Stop as this section of road is not currently a high pedestrian activity area and, in my opinion, it would be unsafe to encourage pedestrian activity along that stretch of road until such a time as there is an activity change – that outcome does not promote sustainable management.

## **2. INTRODUCTION**

- 2.1 My full name is Georgina Beth McPherson. I have 18 years' experience in the field of resource management and planning in New Zealand and overseas. I hold a Bachelor of Resource and Environmental Planning degree from Massey University and am a full member of the New Zealand Planning Institute.
- 2.2 I am currently a Principal Planning and Policy Consultant at 4Sight Consulting (*4Sight*). I have been in this role since September 2018 when the company I was previously

employed by, Burton Planning Consultants Limited (*Burtons*), was acquired by 4Sight. I was employed at Burtons from August 2011. From here on in, when I refer to 4Sight, it will include with reference to my role at Burtons. Previous employment includes as a planner at Planning Potential Limited (based in London), CPG NZ Limited in both its Auckland and Christchurch offices, Tonkin and Taylor (Wellington) and Boulder Planning.

- 2.3 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, provision of strategic policy advice and preparation of submissions and evidence, including on behalf of Z Energy and the Oil Companies (representative of BP Oil NZ Limited, Mobil Oil NZ Limited and Z Energy Limited). I have provided planning services to a range of infrastructure, Council, commercial and private clients.
- 2.4 Over the years I have been involved in a wide range of matters affecting clients at both regional and district council level across much of the country. This includes service station (including truck stops) developments and redevelopments in various zones as well as a broad range of commercial and industrial developments, and participation in the full range of policy processes.
- 2.5 I have visited Pokeno many times over the years, but in preparation for this hearing I specifically visited it on 21 September 2021. References in my evidence to specific land use activities are to the activities that existed as of that date.

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

- 3.1 I have read the Environment Court's Practice Note 2014 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 giving my oral evidence. I am not, and will not behave as, an advocate for my client. I am engaged by Z Energy as an independent expert and 4Sight provides planning services to 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.
- 3.2 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 expressed opinions.

#### **4. SCOPE OF EVIDENCE**

- 4.1 Hearing 25 addresses submissions on the PWDP seeking rezoning of particular sites or areas.
- 4.2 My evidence relates primarily to Z Energy's submission 589.1, which seeks to rezone the Z Pokeno Truck Stop, located at 41 Great South Road, from Business Town Centre Zone (with a verandah overlay) to Business Zone (with no verandah overlay).
- 4.3 The submission also presents an alternative option of retaining the Business Town Centre zoning as notified subject to consequential changes to the Business Town Centre Zone provisions.
- 4.4 The scope of my evidence, therefore, addresses:
  - (a) The background and context to the Z Truck Stop site;
  - (b) The reasons for Z Energy's submission and the relief sought (rezoning or amendments to the Business Town Centre Zone provisions);
  - (c) An evaluation of the two alternate zonings in terms of s32AA report as directed by the Hearing Panel, and consistent with the guidance set out in the Framework s42A Report (*the Framework Report*);
- 4.5 For completeness, I note that submissions 589.6 and 589.7 of Z Energy are also allocated to Hearing 25. These submissions support the Industrial and Business Zoning applied, respectively, to the existing Z Energy service stations at 392 Great South Road, Huntly and 106 Great South Road, Ngaruawahia. Given no change in zoning is sought, these submissions are not addressed further at this time. I simply record here that Z Energy seeks to retain the proposed zoning of those two sites.

#### **5. BACKGROUND AND CONTEXT**

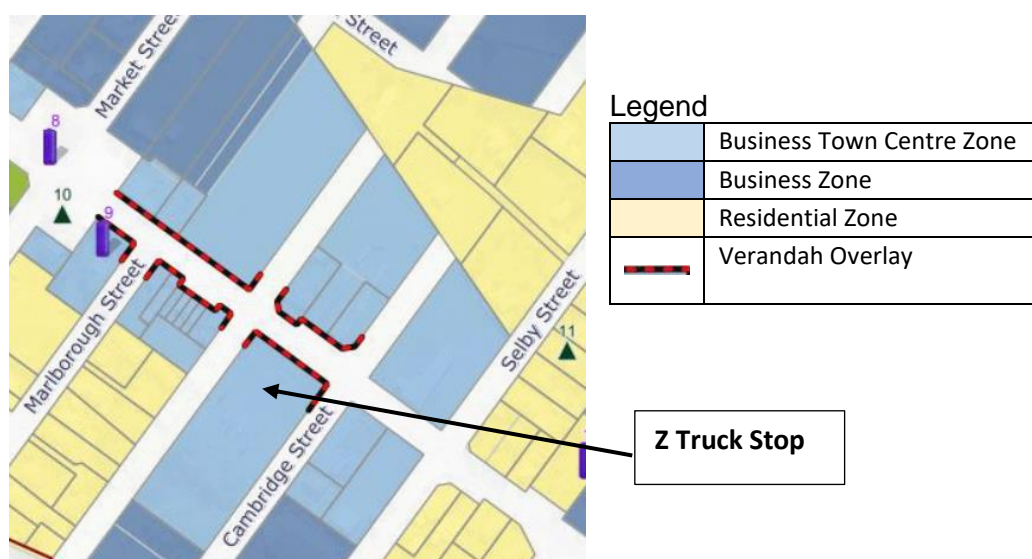
- 5.1 The Z Pokeno Truck Stop is located at 41 Great South Road, Pokeno in the block between Wellington Street (a paper road) to the west and Cambridge Street to the east.
- 5.2 The truck stop has been operating from the site for some 30 years and is a well-established activity that contributes to the existing character of Pokeno as a countryside service town. The truck stop was established by way of resource consent granted in 1990. It is the only Z Energy branded truck stop on the main route between Manukau and Hamilton and is of strategic importance within the Z network.
- 5.3 The truck stop is located to the southeast of the traditional retail core of Pokeno Town Centre, which comprises the block between Marlborough Street to the west and

Wellington Street (paper road) to the east, currently occupied by an ice cream shop, dairy, Pokeno Bacon, cafe and takeaway shops.

- 5.4 Pokeno is currently undergoing significant change with extensive residential subdivision and development underway as well as business growth. Within the town centre<sup>1</sup> this includes a recent café development ('Pokeno CBD') at 7 Selby Street, mixed commercial development at 39 Great South Road (including a Super Liquor and Laundromat), new fire station at 37 Great South Road and the newly opened Countdown supermarket at 58 Great South Road.
- 5.5 The Z Truck Stop and surrounding land is currently zoned Business under the Operative Waikato District Plan (Franklin Section) ("Operative Plan) and sits within the Pokeno Structure Plan area.
- 5.6 Under the PWDP the Operative Plan Business Zone at Pokeno is replaced by a combination of Business Town Centre Zone, which applies to the Z Truck Stop, and Business Zone.
- 5.7 The Z Pokeno Truck Stop is serviced by reticulated wastewater, water supply and stormwater networks.

## 6. Z ENERGY SUBMISSION

- 6.1 Z Energy's submission, 589.1, requested the rezoning of the Z Pokeno truck stop site from Business Town Centre Zone to Business Zone to better reflect the nature of the existing truck stop use. The PWDP zoning of the site is illustrated in Figure 1 below:



**Figure 1:** PWDP Zone Maps

<sup>1</sup> The specific sites referenced in Paragraph 5.4 are all zoned Business Town Centre in the PWDP.

- 6.2 As an alternative, in the event that the rezoning request is not accepted, the Z Energy submission seeks to amend the provisions for the Business Town Centre Zone to ensure that adequate provision is made in the zone for additions and or alterations to the existing truck stop. The submission identifies that such changes should recognise the investment associated with existing uses, the benefits they can provide to the community and the need for them to be maintained and upgraded from time to time.
- 6.3 The submission identifies that the Business Town Centre Zone provides for small scale retail and commercial activities and, as currently drafted, makes no provision for commercial activities that have a different form and function to that enshrined in the proposed regulatory approach to the Business Town Centre Zone. As discussed further below, the applicable Business Town Centre Zone provisions will make it difficult to undertake maintenance and upgrade work involving buildings<sup>2</sup> at the existing truck stop, as the well-established functional and design requirements of truck stops will mean the specific urban design outcomes proposed for the Pokeno Business Town Centre Zone cannot be achieved.
- 6.4 Z Energy (submission 589.2) also sought to remove the verandah overlay from the front of the Pokeno truck stop site. I understand this matter was allocated to Hearing 9 Business Zone and Business Town Centre Zone provisions, but for some reason it was not addressed at that time. I consider it is timely to raise this and encourage the Panel, as part of the broader zoning issue to remove that overlay.

## **7. STATUTORY CONTEXT**

- 7.1 Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) of any changes that have been made to, or are proposed for, the PWDP since the original s32 report was completed. Such an evaluation is to be undertaken at a level of detail that corresponds to the scale and significance of the changes.
- 7.2 My evidence, including the s32AA evaluation at Attachment A, therefore examines the extent to which the objectives of Z Energy's proposals are the most appropriate way to achieve the purpose of the RMA, and whether the provisions (objectives, policies, rules and other methods) of the relevant planning documents are the most appropriate way of achieving those objectives.

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<sup>2</sup> In the context of a truck stop, the PWDP definition of 'building' would include structures such as above ground fuel tanks, fuel dispensers, some signs and a small shed or ablution block.

## 8. EVALUATION OF RESOURCE MANAGEMENT OBJECTIVE

- 8.1 Overall, the key outcome sought by Z Energy's submission is to ensure the zone provisions applying to the truck stop at Pokeno make appropriate provision for the continued use and redevelopment of this existing facility.
- 8.2 As indicated earlier, this particular truck stop is of strategic importance to the Z Energy network and has been long established at this site. The Z Pokeno Truck Stop is an example of an established business activity that provides an important function and facility to the public.
- 8.3 Due, primarily, to the vehicle-oriented nature of truck stops and the presence of hazardous substances truck stops have particular, and well established, functional and design requirements. In this instance, those requirements are not consistent with the specific urban design outcomes proposed for the Pokeno Business Town Centre Zone and nor would any redevelopment / alteration of the existing truck stop be able to meet those urban design outcomes.
- 8.4 It is particularly important that the operating requirements of activities such as truck stops are accommodated, particularly where such activities may include retanking and/or renewal and potential upgrade of existing refuelling facilities, in order to ensure the ongoing integrity of such activities and appropriate management of environmental effects.
- 8.5 I consider the outcome sought by Z Energy will better promote the sustainable management of the land resource, as it will better enable Z Energy and the community to provide for their economic well-being, while at the same time ensuring that any adverse effects of activities on the environment are avoided, remedied or mitigated. This represents an efficient use of the existing land resource.
- 7.5 I recognise that with the growth of Pokeno the Council is seeking to apply the Business Town Centre zone to facilitate a certain type of development and land use activity. A problem arises insofar as that outcome is aspirational and intended to be achieved over time. It fails to recognise, and indeed discourages, legitimately established activities during the transitional period between what is current and what is an outcome envisaged to occur over time. That approach fails to recognise that the purpose of the RMA specifically encourages use, development and protection of natural and physical resources in a way or at a rate (my emphasis) which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while achieving the outcomes in section 5(a) – (c). Unless there is such a



significant adverse effect that an activity must immediately cease and be replaced by nothing or another activity of a different nature, scale and character, there is an obligation to properly manage the transitional period – however long that may be. In short, it fails to recognise that a lack of provisions that enable an existing land use while not preventing the Council’s desired outcome occurring at some point in time, is not an efficient use of resources. Particularly given the possibility (and perhaps probability) that the Council’s aspirational outcomes may well not be fully achieved within the life of the PWDP. There are many non-RMA factors that will influence the way and rate that use, development and protection of natural and physical resources will occur.

## **9. EVALUATION OF REZONING OPTION**

- 9.1 The general approach to the Business Zone and Business Town Centre Zone is described in Council’s s32 report (pg 5) as follows:

*The use of two business zones is significant, as it gives effect to Future Proof and the settlement pattern identified in the Waikato Regional Policy Statement. It strengthens the approach of current provisions that rely on one broad business zone and the use of structure, concept, or precinct plans for Raglan, Tamahere, Pokeno, Te Kauwhata, and Rangiriri.*

*The proposed provisions have incorporated more urban design requirements and guidance; particularly in town centres. Of most significance in terms of changes to the approach to managing the urban form of town centres is that all new buildings within the town centre zone require resource consent for a restricted discretionary activity. Applications are assessed based on consistency with the Town Centre Design Guidelines and Town Centre Character Statements.*

- 9.2 The Framework Report (FR) expands on this with the following statements:

*214. The purpose of business areas is to support town centres, within the hierarchy identified in the Future Proof Growth Strategy. They provide for a wide range of commercial activities; including large format retail... PWDP Objectives and Policies 4.5.8 and 4.5.10 set the strategic intent for Business Zone as only for large scale uses.*

...

*219. The Business Town Centre Zone is the primary focus within each town for commercial and business activity. The town centres are mixed-use areas that are more publicly accessible and have a greater emphasis on pedestrian-focused small-*

*scale retail, business administration, commercial services and residential uses, than the Business Zone. Generally, the zone is not intended to accommodate large-format retail or wholesale activity.*

*220. The boundaries where the Business Town Centre Zone adjoins the Business Zone within the towns reflect the current development of the different areas and expected growth.*

*221. The creation of this zone in the PWDP recognises that commercial activity within the Waikato District is part of a larger regional hierarchy of business centres, with Hamilton City as the primary centre. These town centres are identified and placed in the hierarchy in the Future Proof Growth Strategy and Implementation Plan.*

9.3 The purpose of Business Zone is to support town centres within the hierarchy identified in the Future Proof Growth Strategy. The Business Zone provisions provide for a wide range of commercial activities at a scale that supports the commercial viability of towns and villages and discourages small scale retail activities administration and commercial services within this zone.

9.4 Given the zoning of the land to the east of the Z truck stop, and up to Selby Street is Business Town Centre, in my opinion the rezoning of the truck stop site to Business Zone as sought in Z Energy's submission would not be suitable unless that adjacent site was also rezoned. There does not appear to be any submission seeking that, and nor could it realistically be achieved as a consequential change. Furthermore, I accept that the Business Town Centre zone applied to the site is aspirational rather than a reflection of current development. Accordingly, I consider that the Business Town Centre Zone could remain, provided the provisions for the Business Town Centre Zone are amended to ensure that adequate provision is made in the zone for additions and/or alterations to the existing truck stop, as sought in Z Energy's submission. In other words, if the aspirational zoning is properly recognised as such and is amended to appropriately manage the use, development and protection of the existing use and development at this site.

## **10. EVALUATION OF OPTION TO RETAIN BUSINESS TOWN CENTRE ZONING AND AMEND PROVISIONS**

10.1 As an alternative to rezoning the truck stop, Z Energy sought to make changes to the policy framework for the Business Town Centre Zone to recognise and provide consideration for a-typical and existing development such as the truck stop.

10.2 The submission does not identify the specific changes to the Business Town Centre

Zone provisions considered necessary to address the concerns raised in its submission. However, in my opinion, Policy 4.5.18 relating specifically to development in the Pokeno Town Centre presents the most significant constraint to ongoing maintenance and upgrade of the existing truck stop activity and should be amended.

10.3 Policy 4.5.18 requires that development maintains and enhances the role of the Pokeno Town Centre by:

- (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;*
- (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;*
- (iii) Providing for an appropriate building scale with narrow frontages; and*
- (iv) Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Pokeno Town Centre ([Appendix 10.4](#)), in particular by:
  - A. Providing transparent façades and window displays at ground level;*
  - B. Providing continuous suspended verandahs sheltering footpaths;*
  - C. Providing parking, loading and storage where rear access to buildings exists;*
  - D. Encouraging the preservation and promotion of cultural features.*
  - E. Promoting active street frontages by developing up to the street boundary; and*
  - F. Ensuring built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Materials and Appearance).**

10.4 The existing truck stop development is atypical of the urban design outcomes sought in this zone. The policy outcome sought is unsuitable for the truck stop activity as it does not and cannot be made to fit in with typical urban design principles or outcomes. The issue here, in terms of the truck stop site, is that it is inherently contrary to the aspirational policy intent for this area of land proposed to be zoned Business Town Centre – remembering that the proposed new zoning of this site signals a significant shift in policy intent over time, including a significant area of land to be rezoned to Business Town Centre Zone. That is problematic when that “new zoning” is designed to give effect over time to the policy intent of the Waikato Regional Policy Statement and when the new zoning relies on the implementation of a type, nature, scale and character of built development and land use activity that the truck stop activity simply does not achieve. In that case, in my opinion, it is “better” to make provision for the existing activity whilst steering future development over time.

10.5 In my opinion, this could be appropriately addressed by adding the exception sought

in Z Energy's submission 589.4 to Policy 4.5.29,<sup>3</sup> to Policy 4.5.18 instead. Such an exception would only relate to existing "a typical" activities (which I believe would only be the Z truck stop development). There is an important link between these two policies, being the requirement to be consistent with the outcomes of the Town Centre Character Statement. Therefore, the inclusion of an exception in both would be appropriate. The intent of this change would be to enable reasonable assessment of the ongoing truck stop activity while it is in place, but also to signal that over time and in the event of the truck stop exiting the site, any new activity would have to comply with the main part of the policy.

*Policy 4.5.18 Development maintains and enhances the role of the Pokeno Town Centre by:*

- (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;*
- (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;*
- (iii) Providing for an appropriate building scale with narrow frontages; and*
- (iv) Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Pokeno Town Centre ([Appendix 10.4](#)), in particular by:
  - A. Providing transparent façades and window displays at ground level;*
  - B. Providing continuous suspended verandahs sheltering footpaths;*
  - C. Providing parking, loading and storage where rear access to buildings exists;*
  - D. Encouraging the preservation and promotion of cultural features.*
  - E. Promoting active street frontages by developing up to the street boundary; and*
  - F. Ensuring built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Materials and Appearance).**

*Except that where an activity existing as of [insert the date of the decisions on the proposed plan] has a specific functional or operational design or layout requirement, to consider (i) - (iv) in the context of the following:*

- 1. the investment in existing activities;*
- 2. the nature of the existing environment;*

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<sup>3</sup> As detailed in Z Energy's Hearing Statement for Hearing 9: Business & Business Town Centre Zones (refer Attachment B), Z Energy submission 589.4 sought to amend Policy 4.5.29 to recognise that new buildings within the Business Zone do not need to be entirely consistent with the Waikato District Council Urban Design Guidelines Town Centres, if an activity has a specific functional or operational design or layout requirement. The s42A recommendation was to delete Policy 4.5.29 on the basis the Urban Design Guidelines only apply to Town Centres and Policy 4.5.29 incorrectly applied them to the Business Zone. Z Energy was satisfied with the recommendation insofar as it affected the Business Zone.

3. the degree to which new buildings have been designed to address the street and the street edge, to the degree practicable, and otherwise to mitigate the visual impact of blank walls, including through design features or landscaping; and
4. the degree to which visibility of and for pedestrians is maintained and pedestrian movements along the footpath can be prioritised

10.6 The addition of the above text (or text to similar effect) would overcome the problem that neither the truck stop activity nor its built form shares the character of existing buildings referred to in the policy and nor are they consistent with the 'Town Centre Character Statement for Pokeno Town Centre' as is required by the policy. While I accept that the 'Character Statement' does identify the presence of the truck stop, achieving consistency with A-C and E-F is, in my opinion, an unrealistic outcome.

10.7 Other policies applicable to the truck stop development if the proposed Business Town Centre Zone is to be retained include:

*Pol 4.5.2 Commercial function and purpose:*

*(a) Commercial activity develops in a way that:*

- (i) Ensures the business town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions;*
- (ii) Provides for larger scale commercial activities within the Business Zone;*
- (iii) Provides for small scale convenience retail and community activities within the Business Zone Tamahere and neighbourhood centres.*

*Pol 4.5.3 Commercial Purpose: Business Town Centre Zone*

*(a) The role of the business town centres in Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that:*

- (i) They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and*
- (ii) The scale of commercial activities supports their continued viability as the primary retail, administration and commercial service centre for each town; and*
- (iii) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.*

*Pol 4.5.10 Retail: Business Town Centre Zone and Business Zone*

*(a) Locate small scale retail activities within the Business Town Centre Zone and discourage large scale activities from establishing within the Business Town Centre Zone.*

*(b) Locate large scale retail and commercial activities to within the Business Zone.*

*Pol 4.5.13 Town centre built form*

*(a) The scale and form of new development in the Business Town Centre Zone is to:*

- (i) *provide for a safe, accessible, compact and attractive town centre environment;*
- (ii) *facilitate the integration of retail shopping, administration and commercial services, residential, civic and community activities;*
- (iii) *reflect the role and character of the business town centre;*
- (iv) *increase the prominence of buildings on street corners;*
- (v) *maintain a low rise built form and small scale, pedestrian focussed retail activities; and*
- (vi) *manage adverse effects on the surrounding environment, particularly at the interface with residential areas.*

10.8 As an existing activity and if it continued to be defined as a ‘commercial activity’ as per the notified PWDP provisions<sup>4</sup>, the truck stop would not necessarily be inconsistent with the policies above. The truck stop is well established and contributes to the existing role and character of Pokeno as a rural service centre. Irrespective of a Business Town Centre or Business zoning, the activity will continue to support the commercial vitality and viability of the Pokeno Town Centre and contribute to the mix of uses provided. Also relevant is that the truck stop already adjoins residential development and is able to manage adverse effects on these adjoining properties.

10.9 Should the Panel’s decision be to not retain ‘service stations’ as a commercial activity then clearly there will need to be some work undertaken to ensure that the flow on effects of that decision are properly addressed. In that instance, it may be appropriate to use the “exemption” proposed to Policies 4.5.18 and 4.5.29 as the basis for a separate policy that addresses activities with particular functional and operational needs in the Business Town Centre zone, and potentially in other Business zones. This is the approach that has been adopted in the Auckland Unitary Plan<sup>5</sup>. In the case of the PWDP Business Town Centre zone, however, it may be most appropriate to limit the application of such a policy to such activities ‘existing as at the date of the decisions on the proposed district plan.’

10.10 Policy 4.5.24 requires that new buildings within the Business Town Centre Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres. While the Z truck stop and any future upgrade / redevelopment would also fail to meet

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<sup>4</sup> Service stations and truck stops appear to fall within the definition of ‘commercial activity’ under the PWDP and this is supported at para 314 of the s42a report for Hearing 9: Business Zones. However, the recommendation in the s42A report for Hearing 7: Industrial Zone and Heavy Industrial Zone to create a new definition for service stations creates uncertainty around the implications for how such activities would be treated in other zones and / or whether they would continue to fall within the definition of a ‘commercial activity’.

<sup>5</sup> For example, in each of Chapters H10 Business Town Centre Zone, H11 Business Local Centre Zone, H12 Business Neighbourhood Centre Zone and H13 Business Mixed Use Zone of the Auckland Unitary Plan, Policy 12 requires: ‘Recognise the functional and operational requirements of activities and development.’

these guidelines, Policy 4.5.18 is the more specific as it relates specifically to Pokeno Town Centre. As such, provided the changes sought are made to Policy 4.5.24, I do not consider that any changes would be required to Policy 4.5.24. Policy 4.5.24 reads as follows:

*Pol 4.5.24 New Buildings – Business Town Centre Zone*

- (a) *New buildings within the Business Town Centre Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3 ), and in particular:*
  - (i) *Responds to the specific site characteristics and wider street and town context;*
  - (ii) *Promotes architectural form, building features and placement;*
  - (iii) *The design of buildings contributes to vibrancy, character and commercial viability of the town centre;*
  - (iv) *Provides landscape and open space design that responds to the characteristics and qualities of the area;*
  - (v) *Minimises visual and amenity impacts of accessways and parking facilities; and*
  - (vi) *Maximises pedestrian access and safety.*

Pedestrian Frontages & Verandah Overlay

10.11 Policy 4.5.20 reads as follows:

*Policy 4.5.20 Pedestrian frontages: active street frontages in the Business Town Centre Zone*

- (a) *Provide for active street frontages in the design or redesign of buildings, and avoid car parking and accessways on sites within the pedestrian frontage area of the Business Town Centre zones to enable the maintenance of:*
  - (i) *Passive surveillance;*
  - (ii) *Continuous verandahs;*
  - (iii) *Display windows and building façades;*
  - (iv) *Pedestrian safety; and*
  - (v) *Buildings located up to the street boundary.*

10.12 The policy refers specifically to sites within the 'pedestrian frontage area'. The term 'pedestrian frontage area' doesn't appear to be defined or mapped anywhere. The PWDP planning maps show a 'verandah overlay' within some town centre areas (and the Z Pokeno Truck Stop site is affected by this overlay) and the Pokeno Town Centre Character Statement maps the 'area of application for the design guide'.

10.13 It could be assumed that the mapped 'verandah overlay' area is intended to equate to the 'pedestrian frontage area' as Policy 4.5.20 requires that sites in the pedestrian frontage area have continuous verandahs. However, that is not specified and, as such, the application of the policy is uncertain.

10.14 Given the town centre specific policies I also query whether the retention of this policy

is appropriate, or necessary. Policy 4.5.18 already addresses these matters in relation to the Pokeno Town Centre and equivalent wording is included in the other town centre specific policies (which are driven by their own urban design guidelines in any event).

- 10.15 In addition to the absence of any mapped 'pedestrian frontage areas', no rules refer to 'pedestrian frontage areas'. Rule 18.3.5 requires verandahs on "land with a verandah line identified on the planning maps". One of the requirements is that it "is attached to any verandahs on adjoining buildings, so as to provide continuous pedestrian shelter", however that doesn't necessarily clearly link to a pedestrian frontage policy area.
- 10.16 In my opinion Policy 4.5.20 should be deleted. Scope to do so appears to be provided by way of Woolworths NZ Ltd (588.41), which sought the deletion of the policy.
- 10.17 As previously noted, Z Energy submission 589.2, allocated to, but not addressed at, Hearing 9: Business Zones, sought to delete the verandah overlay applied to the frontage of the Z Pokeno Truck Stop. This section of road in front of the truck stop is not currently a high pedestrian activity area. However, in my opinion it would be unsafe to encourage pedestrian activity along that stretch of road until such a time as there is an activity change, as such an outcome does not promote sustainable management. As illustrated in Figure 1 above, the site beyond the truck stop (between Cambridge and Selby Streets) does not have a verandah overlay. Removal of the overlay from the Z site would not, therefore, create an inconsistency in the way that rezoning the Z site from Business Town Centre Zone to Business Zone would.
- 10.18 Policy 4.5.18 addresses requirements for the provision of verandahs within Pokeno Town Centre and, in my opinion, is sufficient to require those activities to address main street development over time if and when there is a change in activity at the truck stop site. As such, I consider deletion of the verandah overlay, as sought by Z Energy, will better promote the sustainable management of the land resource.

#### Summary

- 10.19 If the change proposed above to Policies 4.5.18 and 4.5.29<sup>6</sup> are made and Policy 4.5.20 is deleted, then I consider that the PWDP zoning of the truck stop site could remain.
- 10.20 Without changes to this effect the existing truck stop will remain inherently contrary to

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<sup>6</sup> Note deletion of Policy 4.5.29 as per the recommendation of the s42A report for Hearing 9: Business Zones and supported in Z Energy's Hearing Statement for that Hearing is also supported.



the policy and any upgrade or renewal proposal will be unable to meet section 104 RMA tests around consistency with district plan objectives and policies. Even where such works are sought to maintain ongoing integrity and environmental outcomes at the truck stop (e.g. by replacing tanks and other refuelling infrastructure with modern equivalents) the inability to meet the urban design outcomes proposed for the Pokeno Town Centre is likely to result in a finding that upgrade / renewal of the existing truck stop is contrary to district plan objectives and policies and, therefore, potentially not giving effect to the regional policy statement. Furthermore, there is difficulty in considering the effects of a renewal / upgrade project if the receiving environment has a critically different character to that on the site. While effects associated with the existing environment can be disregarded, that does not assist in terms of the consideration of amenity and character effects over the long term, as Pokeno transitions away from its current character as a rural service centre towards a town centre.

## **11. RELATED MATTERS**

11.1 I support the direction given in the Framework Report (FR) and FR peer review that in the absence of decisions made or released by the Panel, the appropriate s42A touchstone for the initial assessment of any requested zone change is consistency with the PWDP provisions as notified. Nevertheless, I consider the rezoning issue is complicated by earlier hearings addressing definitions, industrial and business zonings. Therefore, I draw the Panels attention to the following matters of direct relevance to the relief sought by Z Energy in relation to the Z Pokeno truck stop:

12.1.1 Hearing 9 Business Zones: Z Energy (589.4) sought to amend Policy 4.5.29 to recognise that new buildings within the Business Zone do not need to be entirely consistent with the Waikato District Council Urban Design Guidelines Town Centres, if an activity has a specific functional or operational design or layout requirement. The s42A recommendation was to delete Policy 4.5.29 on the basis it was incorrectly applied to the Business Zone. Z Energy was satisfied with the recommendation insofar as it affected Business Zone.

12.1.2 Hearing 9 – Business Zones: The s42A report failed to address Z Energy’s submission (589.2) to remove the verandah overlay off the Z Pokeno site.

12.1.3 Hearing 9 – Business Zones: The s42A recommendation was to change the activity status for not providing a verandah on a building

in the Business Town Centre Zone from discretionary to restricted discretionary, with one of the matters of discretion being the functional requirements of the activities that the buildings are intended to accommodate along with a range of amenity, streetscape, character and design considerations. Z Energy supported these changes, and further a change to clarify that the verandah rule only applied to any new building or alteration to the frontage of an existing building.

12.1.4 Hearing 9 – Business Zones: The s42A recommendation is to reject submission 411.2 seeking to extend the verandah annotation to corner sites that are within the Town Centre Zone at the western end (Market Square) including because Appendix 10.4 Pokeno Town Centre Character Statement seeks to confine the retail pedestrian area to both sides of Great South Road from Cambridge Street up to Market Square.

12.1.5 Hearing 7 – Industrial Zones: The s42A recommendation is to introduce a new activity category for service stations, which could be problematic, unless specific provision is also made for service stations in the business zones.

## 12. CONCLUSION

12.1 I support amending the provisions discussed in this evidence, as summarised below, to ensure the aspirational zoning of the Z Pokeno Truck Stop for town centre activity is properly recognised as such and is amended to appropriately manage the use, development and protection of the existing use and development on this site as Pokeno transitions away from its existing character as a small rural service centre.

12.2 Specific relief sought is:

12.2.1 Amend Policy 4.5.18 as follows (additions underlined):

*Policy 4.5.18 Development maintains and enhances the role of the Pokeno Town Centre by:*

- (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;*
- (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;*
- (iii) Providing for an appropriate building scale with narrow frontages; and*

- (iv) *Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Pokeno Town Centre (Appendix 10.4), in particular by:*
  - A. *Providing transparent façades and window displays at ground level;*
  - B. *Providing continuous suspended verandahs sheltering footpaths;*
  - C. *Providing parking, loading and storage where rear access to buildings exists;*
  - D. *Encouraging the preservation and promotion of cultural features.*
  - E. *Promoting active street frontages by developing up to the street boundary; and*
  - F. *Ensuring built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Materials and Appearance).*

*Except that where an activity existing as of [insert the date of the decisions on the proposed plan] has a specific functional or operational design or layout requirement, to consider (i) - (iv) in the context of the following:*

1. *the investment in existing activities;*
2. *the nature of the existing environment;*
3. *the degree to which new buildings have been designed to address the street and the street edge, to the degree practicable, and otherwise to mitigate the visual impact of blank walls, including through design features or landscaping; and*
4. *the degree to which visibility of and for pedestrians is maintained and pedestrian movements along the footpath can be prioritised*

12.2.2 Delete Policy 4.5.20 as follows (deletions in strikethrough):

~~*Policy 4.5.20 Pedestrian frontages: active street frontages in the Business Town Centre Zone*~~

- ~~(a) *Provide for active street frontages in the design or redesign of buildings, and avoid car parking and accessways on sites within the pedestrian frontage area of the Business Town Centre zones to enable the maintenance of:*~~
  - ~~(i) *Passive surveillance;*~~
  - ~~(ii) *Continuous verandahs;*~~
  - ~~(iii) *Display windows and building façades;*~~
  - ~~(iv) *Pedestrian safety; and*~~
  - ~~(v) *Buildings located up to the street boundary.*~~

12.2.3 Delete the verandah overlay applying to the Z Pokeno Truck Stop at 41 Great South Road, Pokeno.

12.2.4 Should the Panel's decision (outside of this Hearing) be to not retain 'service stations' as a commercial activity, adapt the "exemption" proposed to Policies 4.5.18 and 4.5.29 as the basis for a separate policy that addresses activities with particular functional and operational needs in the Business Town Centre

zone (including in that zone limiting the application of such a policy to such activities 'existing as at the date of the decisions on the proposed district plan'), and potentially in other Business zones.

**ATTACHMENT A: RMA S32AA EVALUATION**

**Table 1: Rezoning Proposal**

<b>The specific provisions sought to be amended</b>	<b>Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PWDP)</b>
<b>The rezoning proposal</b>	Z Energy lodged submissions on the PWDP seeking that the Z Pokeno truck stop be rezoned from Business Town Centre Zone (with verandah overlay) to Business Zone (with no verandah overlay) to more appropriately recognise the nature of the land use activity at the truck stop site, which is more consistent with the stated intent and policy framework of the Business Zone than that of the Business Town Centre Zone.
<b>Relevant objectives of the PDP</b>	<p>Objective 1.5.2 Planning for urban growth and development                      1.12.8 Strategic objectives                      Policy 4.1.3 Location of development</p> <p>Objective 4.5.1                      Objective 4.5.12                      Policy 4.2.6                      Policy 4.5.2                      Policy 4.5.3                      Policy 4.5.8                      Policy 4.5.10                      Policy 4.5.13                      Policy 4.5.18                      Policy 4.5.20                      Policy 4.5.21                      Policy 4.5.24                      Policy 4.5.25                      Policy 4.5.27                      Policy 4.5.29</p>
<b>Scale and significance of the rezoning proposal</b>	The submission relates to a single site on Great South Road, Pokeno.

	<p>The site sits within a much broader framework being derived from the “Centres Approach” to business zoning. The s32 report explains that use of two business zones is significant, as it gives effect to Future Proof and the settlement pattern identified in the Waikato Regional Policy Statement.</p> <p>The Framework Report (FR) expands on this and states (at para 214) <i>‘The purpose of business areas is to support town centres, within the hierarchy identified in the Future Proof Growth Strategy. They provide for a wide range of commercial activities; including large format retail... PWDP Objectives and Policies 4.5.8 and 4.5.10 set the strategic intent for Business Zone as only for large scale uses.’</i></p> <p>Rezoning the site to Business Zone would be consistent with Future Proof and the WRPS to the extent that it would be located adjacent to and support the town centre. Note that while the higher order documents promote a centres approach to business zoning, they do not seek to identify the specific location of boundaries between the Business and Business Town Centre zones.</p> <p>Further rezoning the site to Business Zone would reflect the existing activity on the site and would not, in itself, result in any change in the existing character and amenity of the area. Continued use of the site for truck stop purposes will be influenced by a number of non RMA factors, including lease considerations, circumstances of the owner, (which is not Z Energy) and demand for land in the area.</p> <p>However, rezoning to Business Zone is not consistent with the long-term outcome for the site envisaged by the PWDP, which anticipates town centre activities extending along Great South Road to Selby Street and encompassing the truck stop site. Further it would result in a ‘blip’ in the zoning pattern unless the adjoining site was also rezoned.</p> <p>The site is already serviced by reticulated wastewater, water supply and stormwater networks. Rezoning the site to Business would result in little difference in the scale of development that could occur and is unlikely to have any implications in terms of infrastructure servicing.</p>
<p><b>Other reasonably practicable options to achieve the objectives (alternative options)</b></p>	<p>Alternative 1: As presented in the Z Energy submission, an alternative to rezoning is to retain the notified Business Town Centre zoning for the site and make consequential changes to the policy framework to recognise and provide consideration for a-typical and existing development such as the truck stop.</p>

**Table 2: Benefits and Costs Analysis of the Option of retaining the Business Town Centre Zone for the Site Subject to Amendments to the Policy Framework**

<p><b>Proposal:</b> The analysis below relates to the alternative option presented in Z Energy’s submission to retain the Business Town Centre zoning for the Z Pokeno truck stop, subject to changes to the policy framework for the Business Town Centre Zone to ensure that adequate provision is made in the zone for additions and or alterations to the existing truck stop. Specifically, to amend Policies 4.5.18 and 4.5.29, delete Policy 4.5.20 &amp; delete the verandah overlay from the Z Pokeno truck stop site.</p>		
<p>This evaluation is undertaken at a level of detail that corresponds to the scale and significance of the changes proposed.</p>		
	<p><b>Status quo</b></p>	<p><b>Preferred Alternative – Proposed amendments to Business Town Centre Provisions</b></p>
<p><b>Benefits</b></p>	<p>Character and amenity benefits to Pokeno Town Centre brought forward in timing if Z truck stop is forced into an early exit from the site due to an inability to deliver proposed urban design outcomes when undertaking routine maintenance and upgrade / renewal projects.</p>	<p>The amendments proposed to the Business Town Centre Zone provisions will provide guidance on how the transition from Pokeno’s current character as a rural service centre to that of a town centre is to be managed over time i.e. at the time of substantial redevelopment.</p> <p>Amendments to the Business Town Centre Zone provisions would better recognise and provide for the existing truck stop activity to continue and undertake ongoing upgrade and maintenance works, including to ensure the integrity of fuel and stormwater management facilities, without being fettered by urban design requirements that cannot be met due to the specific design requirements of truck stop activities.</p> <p>Service stations and truck stops are activities that provide important functions for the public. Amendments to the Business Town Centre Zone provisions will better accommodate the operating requirements of such activities where they already exist, including maintenance and upgrade work.</p> <p>The changes will remove ambiguity about the location and extent of the ‘pedestrian frontages’ referred to in Policy 4.5.20, but which are not mapped or defined.</p>

<p><b>Costs</b></p>	<p>Proposals for renewal / upgrade of the truck stop (such as retanking / modernisation of fuelling facilities) will remain inherently contrary to the town centre policy framework / urban design aspirations with a high potential to fail and a disincentive to investment in the site.</p> <p>Does not recognise the value of investment in existing facilities or the functional and operational requirements of truck stop activities, including that suitable alternative sites can be difficult to secure.</p>	<p>Specific recognition and provision for continuation of existing activities, such as the Z truck stop, could be perceived as slowing Pokeno's transition to a town centre character that is consistent with the specific urban design guidelines for Pokeno. However, there are many other factors that will have a significant influence on the rate of development and the impact of this can be limited by the ensuring that the amendments to the Policy considerations refer to activities existing as at the date of the decisions on the proposed plan and can therefore not be used to encourage new such development.</p> <p>Removal of the 'verandah overlay' would remove the explicit expectation for verandahs to be provided in this location in future. However, verandahs are not compatible with the existing activity, which may well outlast the timeframe of the PWDP (i.e. expected to be some 10 years) and sufficient guidance is provided in the policy framework in the event that land-use change occurs at this site in the interim.</p>
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**Table 3: Evaluation of the proposal**

<p><b>Reasons for the selection of the preferred option</b></p>	<p>The preferred option is retention of the PWDP Business Town Centre zoning for the Z Pokeno Truck Stop site, subject to amendment of the Business Town Centre Zone provisions to make appropriate provision for the continued use and redevelopment of this existing facility.</p> <p>This option is preferred over rezoning of the site to Business Zone (as also sought in Z Energy's submission) on the basis that the proposed zoning of the land to the east of the Z truck stop, and up to Selby Street is Business Town Centre. It is considered that rezoning of the truck stop site to Business Zone as sought in Z Energy's submission would not be suitable unless that adjacent land to the east was also rezoned.</p>
<p><b>Extent to which the objectives of the proposal being evaluated are the most appropriate way to</b></p>	<p>The objective of Z Energy's proposal is to ensure the zone provisions applying to its truck stop at Pokeno make appropriate provision for the continued use and redevelopment of this existing facility. This objective will better promote the sustainable management of the land resource, as it will better enable Z Energy and the community to provide for their economic well-being, while at the same time ensuring that any adverse effects of activities on the environment are avoided, remedied or mitigated. This represents an efficient use of the existing land resource.</p>



<b>achieve the purpose of the RMA</b>	
<b>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions</b>	There is sufficient information available to make an informed assessment on the proposal.
<b>Conclusion</b>	The proposed changes to the Business Town Centre Zone provisions will be efficient and effective in achieving the objects of the PWDP as they will ensure the aspirational zoning of the Z Pokeno Truck Stop for town centre activity is properly recognised as such; and that use, development and protection of the existing truck stop activity is appropriately recognised and managed as Pokeno transitions away from its existing character as a small rural service centre.

**ATTACHMENT B: Z ENERGY HEARING STATEMENT – HEARING 9: BUSINESS AND BUSINESS TOWN CENTRE ZONES**

17 February 2120

Hearing Commissioners - Proposed Waikato District Plan (Stage 1)  
c/- Sandra Kelly  
Hearing Coordinator / District Plan Administrator  
Resource Management Policy Team

By e-mail only: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

Dear Hearing Commissioners

**Re: Proposed Waikato District Plan Hearing For Chapter 9 – Business and Business Town  
Centre Zones: Hearing Statement on Behalf Of Z Energy Limited**

**1.0 INTRODUCTION**

Reference is made to the abovementioned matters set down for hearing commencing 17<sup>th</sup> February 2020. This Hearing Statement has been prepared on behalf of Z Energy Limited (“Z Energy”) and represents its views.

Z Energy made submissions to the Proposed Waikato District Plan (“PWDP”). The broad reasons for Z Energy’s interests in the PWDP are as set out in Section A of its submission.

Detail regarding the submissions, including their rationale and the specific relief sought, were included in Z Energy’s submission and are not repeated herein. The purpose of this Hearing Statement is to record Z Energy’s position on its submissions subject of the Hearing on the Business and Business Town Centre Zones, taking into account the Consultant Planner’s recommendations in the Section 42A Report (“S42A Report”). Z Energy has two sites within these zones: Z Ngaruawahia and Z Pokeno Truck Stop. Z Energy supports the proposed zoning of Z Ngaruawahia as Business but has sought to rezone Z Pokeno Truck Stop from Business Town Centre to Business Zone. Re-zoning submissions are being heard in Hearing 25.

For the record, Z Energy lodged two submissions and one further submission subject of this hearing. Each is discussed below.

**2.0 SUBMISSION 589.4 AND FURTHER SUBMISSION 1029.1 - POLICY 4.5.29**

*S589.4 of Z Energy seeks to amend Policy 4.5.29 New Buildings: Business Zone, to recognise that new buildings within the Business Zone do not need to be entirely consistent with the Waikato District Council Urban Design Guidelines Town Centres, if an activity has a specific functional or operational design or layout requirement. Notwithstanding that, Z Energy also lodged FS 1029.1 in support of S697.549 by Waikato District Council, seeking to delete Policy 4.5.29.*

At paragraph 239 of the Section 42A Report the Consultant Planner recommends deleting the Policy in its entirety. While the recommendation, at paragraph 241 of the S42A Report is to consequently reject the submission of Z Energy, Z Energy notes that its further submission would be accepted and that its concerns are satisfied by adopting the relief proposed. Accordingly, Z Energy commends the recommendations in Para 241 of the S42A Report to the Panel and urges it to delete Policy 4.5.29.

### 3.0 SUBMISSION 589.3 – RULES REQUIRING VERANDAHS

S 589.3 of Z Energy seeks to change the activity status for not providing a verandah on a building in the Business Town Centre zone from discretionary to restricted discretionary. At para 642 of the Section 42A Report the Consultant Planner states that the matters of discretion provided by Z Energy Ltd are comprehensive, and on that basis [he] recommend[s] that the activity status can be changed.

At paragraph 647 of the Section 42A Report the Consultant Planner recommends accepting the submission of Z Energy and amending the activity status where Rule 18.3.5 P1 is not met to restricted discretionary and adding matters of discretion as follows (changes proposed underlined and in red):

<b>D+RDI</b>	<p>(a) Any verandah that does not comply with <b>Rule 18.3.5 P1</b>.</p> <p>(b) <b>The Council's discretion shall be restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(i) <b><u>The effects on the amenity of the streetscape, including providing continuous pedestrian shelter and town centre character;</u></b></li> <li>(ii) <b><u>The character and layout of the building;</u></b></li> <li>(iii) <b><u>The nature, design and location of the verandah; and</u></b></li> <li>(iv) <b><u>The functional requirements of the activities that the buildings are intended to accommodate.</u></b></li> </ul>
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Z Energy's concerns are satisfied by adopting the relief proposed. Accordingly, Z Energy commends the recommendation in Paras 646 and 647 of the S42A Report to the Panel and urges it to make the changes proposed.

For the record, Z Energy also supports clarifying that to trigger the rule, any alteration must be to the front of the building.

### 4.0 CONCLUDING STATEMENT

If the Hearing Commissioners require clarification in relation to the matters above, please contact the undersigned on 021 2333 906.



Kind Regards,

A handwritten signature in blue ink that reads 'Karen Blair'.

Karen Blair  
Principal Planning and Policy Consultant  
**4Sight Consulting Limited**