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24 August 2016

Kapiti Coast District Council  
Private Bag 60601  
**Paraparaumu 5254**

By email only: [districtplanreview@kapiticoast.govt.nz](mailto:districtplanreview@kapiticoast.govt.nz)

Dear Sir / Madam

**RE: HEARING STATEMENT ON BEHALF OF Z ENERGY LIMITED (SUBMITTER 87) ON CHAPTER 6 (WORKING ENVIRONMENT) OF THE PROPOSED KAPITI COAST DISTRICT PLAN**

We refer to the abovementioned matters set down for hearing commencing 12 September 2016.

Z Energy Limited (**Z Energy**) has one submission point (87.1) coded to Chapter 6 (Working Environment). The submission point is regarding the service station definition and sought changes to the notified definition as follows (deletions in strikethrough, additions in underline):

*Service Station means a business engaged in fuelling motor vehicles, selling petroleum products (including diesel, oil, kerosene, liquid petroleum gas and natural gas) and other accessories normally associated with motor vehicles, and includes truck stops. In addition, a service station may include ~~ancillary retail sales, retailing,~~ washing of vehicles, mechanical repairs and servicing of motor vehicles provided that the repairs undertaken on the premises shall be confined to the mechanical repair of motor vehicles (other than heavy diesel fuel vehicles) and domestic garden equipment and shall exclude panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding, and provided further that the area devoted to ~~retail sales and associated activities does not exceed 150m<sup>2</sup> of gross floor area~~ retailing (other than motor vehicle parts, accessories, or goods associated with motor vehicles) shall not exceed 250 square metres.*

Z Energy's submission recognises that modern service stations have increasingly become larger scale facilities, located at strategic locations and providing a range of services for customers. While zoning provisions may recognise sites as suitable for a service station, for instance industrial and commercial zones, they do not necessarily provide for the general retailing activities. Conversely, where retailing activities are provided for, such as town and local centres, service station activities are increasingly considered non-complying. The end result can be that service stations do not typically meet the corresponding definition and become non-complying in all zones. This is neither efficient nor effective.

The Reporting Planner addresses the definition of service stations at paragraphs 206-214 of the s42a report and notes that the primary emphasis of Chapter 6 is limiting the extent and size of new retail activities within out-of-centre locations in order to manage their potential adverse effects, including adverse effects on the vitality of centres. The Reporting Planner maintains that the limits in the definition are appropriate and provide for consistency with the objectives and policies by supporting the implementation of the managed approach to the development of new retail activities, particularly new retail activities located out of centres. On this basis the Reporting Planner does not support the replacement of 'ancillary retail sales' with 'retailing' or the increase in floor area to 250m<sup>2</sup>.

Z Energy's experience shows that service stations are not trip generating activities but rather typically attract traffic already passing on the road network. This is why modern service stations are consistently located on road with high traffic movements. Service stations also function as standalone activities and, while other activities may choose to locate in the vicinity of service stations, service stations themselves do not rely on other commercial activities or inherently generate demand for an agglomeration of surrounding activities. As such, service stations can be safely accepted to be contained on one site. Z Energy's experience has been accepted by the Environment Court (refer [Interim] Decision [2016] NZEnvC 156, copy **attached**, including at paragraphs 50, 67 and 69). In that matter, the proposal was for a service station that had a shop building GFA of 220m<sup>2</sup>. For these reasons service stations are not considered to adversely affect the function and amenity of centres and the amendments sought to the definition would not be contrary to the objectives and policies of the proposed district plan.

The Reporting Planner does, however, acknowledge Z Energy's concerns regarding the wording of the definition as it relates to the type of retail activity provided for within the 150m<sup>2</sup> permitted floor area and proposes the following changes to clarify (additions in underline):

*Service Station means a business engaged in fuelling motor vehicles, selling petroleum products (including diesel, oil, kerosene, liquid petroleum gas and natural gas) and other accessories normally associated with motor vehicles, and includes truck stops. In addition, a service station may include ancillary retail sales, washing of vehicles, mechanical repairs and servicing of motor vehicles provided that the repairs undertaken on the premises shall be confined to the mechanical repair of motor vehicles (other than heavy diesel fuel vehicles) and domestic garden equipment and shall exclude panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding, and provided further that the area devoted to retail sales and associated activities (other than for motor vehicles parts, accessories, or goods associated with motor vehicles) does not exceed 150m<sup>2</sup> of gross floor area.*

Despite the differences set out above, Z Energy would support the amended definition proposed by the Reporting Planner provided it is further altered to clearly demonstrate that the 150m<sup>2</sup> floor area limit only relates to retail areas and does not capture toilets, offices, and areas not accessible to the public. This would provide for typical service station retail activities and recognise that retailing is only one of a number of services offered at service stations. This could be achieved by amending the definition as follows (further additions in bold and underline, deletions in bold and strikethrough):

*Service Station means a business engaged in fuelling motor vehicles, selling petroleum products (including diesel, oil, kerosene, liquid petroleum gas and natural gas) and other accessories normally associated with motor vehicles, and includes truck stops. In addition, a service station may include ancillary retail sales, washing of vehicles, mechanical repairs and servicing of motor vehicles provided that the repairs undertaken on the premises shall be confined to the mechanical repair of motor vehicles (other than heavy diesel fuel vehicles) and domestic garden equipment and shall exclude panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding, and provided further that the area devoted to retail sales ~~and associated activities~~ (other than for motor vehicles parts, accessories, or goods associated with motor vehicles) does not exceed 150m<sup>2</sup> of gross floor area.*

Subject to the above amendment, Z Energy is supportive of the revised definition of Service Station as proposed by the Reporting Planner. For the reasons set out above, it is not considered that this change would prejudice the proposed district plan and in particular objectives and policies relating to the vitality of centres.

It would be appreciated if you could table this statement before the Independent Hearings Panel. Please do not hesitate to contact the writer on (09) 917 4302 should you wish to clarify any matter addressed herein.

Yours sincerely,

**BURTON PLANNING CONSULTANTS LIMITED**



Mark Laurensen  
**Senior Planner**

**Encl:** [Interim] Decision [2016] NZEnvC 156 Z Energy Limited v Western Bay of Plenty District Council