

## Melanie Hunkin

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**From:** Georgina McPherson <georginam@4sight.co.nz>  
**Sent:** Friday, 24 April 2020 9:35 a.m.  
**To:** Jane Macartney  
**Subject:** Hearing 7 "The Oil Companies' Feedback Attachment 7

Hi Jane

Thanks for your clarification around how the council is approaching this. I appreciate there are a number of different work streams underway on the plan, that this is complicated by the current lockdown situation and that hearings are still underway, with some related topics yet to be addressed.

In this context we anticipate there is likely to be a need to revisit some of the industrial zone provisions as the plan progresses. Our comments therefore, focus on the issues we can support at this stage, as well as flagging issues we consider will need to be resolved as the plan progresses and decisions are made on other chapters / provisions, rather than necessarily being matters we 'disagree' with.

Key issues the Oil Companies support include:

- The intent to restructure the Plan and amend / adopt definitions in accordance with the National Planning Standards (NPS). In particular to consolidate the hazardous substances and signs provisions into standalone chapters rather than including those provisions in the individual zone chapters. As previously noted, the hazardous substances provisions are being addressed separately under Hearing Stream 8A. As such, none of our comments here on the Industrial and Heavy Industrial Zone chapters should be taken to imply support for the hazardous substances provisions as they are currently set out in sections 20.2.5 and 21.2.5 of the revised Hearing 7 Industrial Zone provisions.
- Provision for service stations as a Permitted Activity in the Industrial Zone.

Matters that will require further consideration as the plan progresses include:

- Consistency of approach as signage provisions are restructured out of the individual zone chapters and into a standalone chapter, noting that 'signage' is not being addressed under a separate hearing stream (in the way that hazardous substances are). This includes taking a consistent approach to Health and Safety signs (H&S signs) in a consolidated signs chapter. The Oil Companies lodged a submission seeking a permitted activity rule for H&S signs in the Industrial Zone. The recommendation in the s42A report (para 428-430) is that such a rule is not required in the Industrial Zone, as H&S signs are already permitted by Rule 14.3.1 P11 in Chapter 14 – Infrastructure and Energy, which applies to all zones. The Oil Companies do not agree that this rule would provide for H&S signs at service stations, as service stations do not meet the definition of 'infrastructure' and are not, therefore, covered by the rule. The Council's intent appears to be to permit H&S signage that is required by other legislation, and there is no effects based reason to take a different regulatory approach to H&S signage on the basis of the activity it is associated with (e.g. infrastructure vs a service station), noting that this would not affect any underlying consent triggers for the activity itself. It is unclear what policy approach is intended to be applied to signs in the Industrial Zones. While the Oil Companies were supportive of the new objective and policy recommended in the s42A report, no corresponding signage policy has been included in the revised version of Chapter 4 that has been circulated.
- It is assumed the council will also look to consolidate the earthworks provisions into a standalone chapter rather than the current structure of including those provisions in the individual zone chapters, for consistency with the NPS. We note that similar issues will arise around the need for consistency across the plan and uncertainty around the policy framework intended to apply to earthworks in the Industrial Zones, as no relevant policies appear to be included in the revised version of Chapter 4.

- A need to ensure consistency across the plan as definitions are amended / adopted as a result of other hearings and in accordance with the NPS. Of relevance to the Industrial Zone chapters, and the Oil Companies, we understand that recommendations from the Definitions hearing include to delete the definition of 'retail activity', to consider developing finer grained definitions of 'commercial activity' than that used in the NPS, and to consider introducing a definition of 'service stations'. We anticipate this should assist with matters such as how service stations are to be assessed in the Heavy Industrial Zone. Currently, it is not clear how service stations would be assessed in the Heavy Industrial Zone, as they are not specifically referenced in the land use activity table (section 21.1). In lieu of that, it is uncertain if they would be assessed under NC4 as a retail activity that is not ancillary retail provided for by P6 (noting that retail associated with a service station shop exceeds 10% of the building GFA and would not, therefore, be considered ancillary), or under D6 as an activity that is not specifically listed. If, for example, the definition of 'retail activity' is deleted, and new definitions of 'commercial activity' introduced, corresponding changes should be made to rules that currently refer to 'retail activity'. Notwithstanding, appropriate amendments should be made to the Heavy Industry Zone provisions to ensure there is clarity around how activities such as service stations are to be assessed, and whether they are 'retail activities', some other type of 'commercial activity', or whether service stations should be specifically referenced in the activity table, particularly if a new definition is introduced to the plan. Appropriate and corresponding amendments to terminology will also be required in the policy framework. For example in Policy 4.6.4(d) where an avoidance approach is applied to 'retail activities' in the Heavy Industry zone – there needs to be a high level of certainty around what activities are subject to an avoidance approach.
- A need to ensure a consistent effects based approach is taken. Service stations have a permitted activity status in the Industrial Zone, but appear to be either discretionary or non-complying in the Heavy Industrial Zone. We are not aware of any effects based reason to take such a different approach to the same activity in two comparatively similar zones. While the Oil Companies did not specifically submit on this matter, this appears to highlight broader issues of plan clarity, certainty and consistency that may not be limited to 'service stations'.

I'd be happy to discuss further.

Kind regards

Georgina

**Georgina McPherson**

Principal Planning and Policy Consultant

Mobile: 021 0244 3961

[4Sight.Consulting](#) [LinkedIn](#)

## **4SIGHT COVID-19 RESPONSE PLAN**

Please note that I work part time and not Wednesdays or Fridays.

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**From:** Jane Macartney <[Jane.Macartney@waidc.govt.nz](mailto:Jane.Macartney@waidc.govt.nz)>

**Sent:** Thursday, 23 April 2020 9:56 AM

**To:** Georgina McPherson <[georginam@4sight.co.nz](mailto:georginam@4sight.co.nz)>

**Subject:** RE: Hearing 7 Industrial Zone - revised provisions

Hi Georgina,

Thanks for your email. Hope everything is going ok for you in lockdown.

You are quite right about the s42A recommendation in Hearing 8A to strip out the hazardous substances rules in zone chapters and have them in one chapter.

The same situation applies in respect to earlier s42A reports for other zones – such as the Village Zone (Hearing 6) and the CLZ (Hearing 12).

Council staff are tasked with a project involving the ‘deconstruction’ of certain chapters to align with the National Planning Standards. I am not personally involved in this, but I understand we will have some revised structure of the PWDP in a few months’ time. You will have also noted that the provisions for signs in the industrial zones are still in my revised Chapters 20 and 21. The NPS also signal a discrete chapter for signs and other district-wide provisions.

I look forward to receiving your feedback tomorrow (24 April). It would be helpful to have your comments about hazardous substances and signs being dealt with by discrete chapters as per the NPS, both of which affect the oil companies.

Happy to further discuss in the meantime.

Kind regards

Jane

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**From:** Georgina McPherson [<mailto:georginam@4sight.co.nz>]

**Sent:** Wednesday, 22 April 2020 10:14 p.m.

**To:** Jane Macartney

**Subject:** RE: Hearing 7 Industrial Zone - revised provisions

Hi Jane

I write on behalf of our clients the Oil Companies (submitter 785).

We’ll come back to you with a full comment on the revised provisions by Friday, but wanted to query the continued inclusion of sections 20.2.5 and 21.2.5 relating to hazardous substances in the Industrial and Heavy Industrial Zone chapters (respectively).

Those provisions are being considered separately as part of Hearing Stream 8A – Hazardous Substances and Contaminated Land, so it’s not clear why they have been included in the revised version of these chapters. This is particularly in the context of the s42A recommendations for Hearing Stream 8A that hazardous substances rules are to be deleted from all the individual zone chapters and consolidated into a single set of rules to apply across all zones.

Can you please advise why sections 20.2.5 and 21.2.5 have been included?

I’d be happy to discuss.

Kind regards

Georgina

**Georgina McPherson**

Principal Planning and Policy Consultant

Mobile: 021 0244 3961

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**4SIGHT COVID-19 RESPONSE PLAN**

Please note that I work part time and not Wednesdays or Fridays.

**From:** DistrictPlan <[districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)>  
**Sent:** Thursday, 16 April 2020 8:55 am  
**Subject:** Hearing 7 Industrial Zone - revised provisions

Dear Submitters,

In response to the evidence presented at Hearing 7 for the industrial zones on 21 January 2020, Council staff undertook to develop revised provisions that:

- a. are clear, concise and unambiguous;
- b. are more enabling for industry;
- c. reflect on the need for two industrial zones, or alternative methods for efficiently managing the different industrial areas in the District; and
- d. utilise definitions from the National Planning Standards.

Therefore, please find attached revised Chapters 4, 20 and 21 for your consideration and review. These documents are also available on our website located [here](#) under Council rebuttal evidence and reports.

Please note that the attached Chapter 4 does not contain objectives and policies associated with signage. This is because the concluding hearing report will recommend that signage is addressed in a district-wide chapter, rather than individual zones.

Council considers it is important that all parties who submitted on the industrial provisions be provided with an opportunity to comment on these revised provisions before they are finalised in Council's concluding hearing report. Council staff undertook to provide this report to the hearings panel on 30 April 2020. This report will set out which provisions are agreed to by submitters and any points of disagreement.

In order to finalise the concluding hearing report, we would be grateful if you could please send any feedback you may have directly to Jane Macartney ([jane.macartney@waidc.govt.nz](mailto:jane.macartney@waidc.govt.nz)) no later than **5pm Friday 24 April 2020**.

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