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30 November 2016

Manawatu District Council  
Private Bag 10 001  
**FEILDING 4743**

Attention: Hearing Committee: Plan Change 55

By email only: [allie.dunn@mdc.govt.nz](mailto:allie.dunn@mdc.govt.nz)

Dear Committee

## RE: PROPOSED MANAWATU DISTRICT PLAN CHANGE 55 HEARINGS

### 1. INTRODUCTION

- 1.1 I refer to the abovementioned matter set down for hearing commencing 5 December 2016. Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Ltd (*the Oil Companies*) have made submissions and further submissions to Plan Change 55 (Submitter 21 and Further Submitter 12).
- 1.2 This statement has been prepared on behalf of the Oil Companies and represents their views. This statement, including **Attachment A**, identifies the Oil Companies' submissions and further submissions and confirms the position of the Oil Companies with respect to each submission point.
- 1.3 This statement confirms that the Oil Companies will not be presenting evidence to the Hearings Panel as there are a number of matters where they are in general agreement with the recommendations set out in the Officer's Report, and only six matters where further clarification, but not evidence, is required. That clarification is provided in this hearing statement, with the specific relief that is sought by the Oil Companies identified in red text. In all other respects, the recommendations of the Reporting Planner are supported.

1.4 It would be appreciated if this statement could be tabled before the Hearings Committee.

## 2. CORRIDOR MANAGEMENT

### Submission S21/003 – Policy 3B2.4

2.1 The Oil Companies lodged a submission seeking to delete Policy 3B2.4 or to redraft it to clarify its intent.

2.2 The Reporting Planner recommends rejecting the submission, because the changes to the policy would change its intent. She explains that the intent of the policy is:

- i ‘Corridor management’ is a term reflecting Council’s approach to managing the transport network;
- ii A key intent of the Policy is to ensure roads are managed and constructed fit for use. There are a number of wide roads within the residential areas that need careful management to ensure safety for road users.
- iii This policy links to the provisions contained in Appendix 3B.2 (which are diagrams of typical road cross sections).

2.3 The Reporting Planner’s explanation of the Policy is helpful. In particular it clarifies that corridor management relates to way that the road corridor is constructed, and therefore to how through movements are managed, rather than whether through movements are allowed.

2.4 The Oil Companies therefore support the retention of an amended Policy 3B2.4 as follows:

*To promote corridor management for key road routes within the District to ensure that they are constructed and managed in a way that is safe, efficient and ‘fit for purpose’, and which may include restricting or encouraging the flow of through movement of vehicles.*

### 3. MANAGING TRAFFIC GENERATION

#### Submission S21/004 - 3B.4.3 Access - Standards for Permitted Activities (h)

- 3.1 The Oil Companies lodged a submission seeking to amend Rule 3B.4.3 (h), which requires resource consent for all activities that generate crossing movements exceeding 100 per day. The Oil Companies sought to exclude activities in industrial and business zones, on the grounds that the roads within those zones should be able to accommodate activities with high traffic movements. It is noted that a policy in the Industrial Chapter of the Plan, for example, seeks that industrial activities be located within industrial zones because those zones are designed to accommodate the effects associated with such activities, specifically including in respect of traffic.
- 3.2 The Reporting Planner recommends that the submission be rejected for the following reasons:
- i. The provisions are included for all zones to ensure appropriate accesses are provided for the projected uses on the site and the surrounding environment. For example, where a heavy vehicle access is required rather than a standard access design.
  - ii. These types of requirements are intended to apply irrespective of zone.
  - iii. It is not the intention of the rule to restrict high movement generating businesses.
- 3.3 The Oil Companies appreciate the clarification given by the Reporting Planner, but remain concerned that the rule restricts high movement generating business.
- 3.4 Non-compliance with the rule will trigger the need for consent and an assessment of the activity against the objectives and policies of the District Plan. Guidance will be provided by Policy 3B1.2 (d) which states that adverse effects of vehicle movements associated with access ways will be managed by (inter alia):
- Ensuring that traffic generation to and from sites is managed through car equivalent movements to ensure traffic, including heavy vehicles, are compatible with the roading network.*
- 3.5 Accordingly, the Oil Companies continue to support the exclusion of Industrial or business zones from the rule or, alternatively, would support a consequential amendment to the Policy as follows:
- Ensuring that traffic generation to and from sites is managed through car equivalent movements to ensure appropriate accesses are provided for the*

~~*projected uses on the site and the surrounding environment. traffic, including heavy vehicles, are compatible with the roading network.*~~

#### 4. EXPECTATIONS OF NOISE SENSITIVE ACTIVITIES

##### Submission S21/006 - 3C.3 Objectives and Policies (Policy 1.1)

- 4.1 The Oil Companies sought an amendment to Policy 1.1 seeking to clarify that noise sensitive activities should not expect noise levels in industrial zones to protect night time sleeping hours from adverse noise effects.
- 4.2 The Reporting Planner recommends rejecting the submission on the grounds that:
- i The intent of Policy 1.1 is to assist decision making; not set out what can occur as a permitted activity.
  - ii The permitted activity rules of all zones set out what is considered to be appropriate activities; not policies within the noise chapter.
  - iii The zone provisions are the appropriate place to consider activities that are appropriate in specific areas and where sensitive activities should or should not occur.
- 4.3 The Oil Companies are concerned that the Reporting Planner has misinterpreted the intent of the submission. The submission does not seek to set out what activities are permitted in a zone or not; rather, it seeks to amend the standard to clarify that while dwellings and other noise sensitive activities should be protected from unreasonable noise, whether the onus lies with the noise emitter or the noise receiver should depend on the activities and noise levels that are anticipated within the zone, and not on the presence or otherwise of noise sensitive activities. In part, this seeks to recognise and manage the concept of reverse sensitivity effects.
- 4.4 Accordingly, the Oil Companies support amending Policy 1.1 as follows:
- To ensure noise level standards protect dwellings and other noise sensitive activities from unreasonable noise levels, including by requiring noise sensitive activities to avoid locating in zones where higher noise levels are anticipated unless they provide adequate noise attenuation.*

## 5. UNACCEPTABLE RISK

### Submission S21/009 - 3D.3 Objectives and Policies (Policy 1.3)

- 5.1 The Oil Companies sought to amend Policy 1.3 to refer to the elimination of ‘unacceptable risk’, rather than to the elimination of risk per se. They argued that it is very difficult to eliminate risk; risk will often remain, even though it is managed to an acceptable level.
- 5.2 The Reporting Planner recommends rejecting the submission on the grounds that the inclusion of ‘unacceptable’ adds confusion and creates uncertainty for plan users because it is not clear who would decide if a risk was unacceptable.
- 5.3 The Oil Companies do not agree with the reasoning of the Reporting Planner. If “unacceptable” is included, then the outcome sought will still be clear and acceptability or otherwise can be assessed on a case by case basis.
- 5.4 Accordingly, the Oil Companies support amending Policy 1.3 as follows:

*To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in Appendix 1C, except where earthworks are necessary to eliminate unacceptable risk to human health and safety.*

- 5.5 However if the Panel prefers, an alternative amendment could be as follows:

*To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in Appendix 1C, except where earthworks are necessary to ~~eliminate~~ manage risk to human health and safety.*

## 6. MANAGEMENT OF DUST

### Submission S21/012 - 3D.4.2 Standards for Permitted Activities (a)

- 6.1 The Oil Companies sought to delete permitted activity standard (a) from section 3D.4.2 and replace it with reference to erosion and sediment control measures.
- 6.2 The Reporting Planner recommends that the submission be accepted in part and the following changes made:

*Any sediment runoff from earthworks must be contained within the subject site.  
All dust and sedimentation control measures must be installed prior to*

*earthworks commencing, maintained during the construction works, and only removed once stabilisation occurs.*

6.3 The Oil Companies support the changes proposed, insofar as they go, however they note that as there are no standards for dust, the reference to dust control measures is uncertain.

6.4 Accordingly, the Oil Companies support, as a consequential amendment, introducing a new standard for dust as follows:

*Measures are to be adopted to control the discharge of dust so that it does not generate a nuisance.*

## **7. MANAGING THE EFFECTS OF TEMPORARY ACTIVITIES**

### **Submission S21/014 - 3F.3 Objectives and Policies (Policy 1.2)**

7.1 The Oil Companies opposed Policy 1.2 (Temporary Activities) on the grounds that there is no need to remedy or mitigate all adverse effects on noise sensitive activities, as some such effects may be acceptable given their duration, frequency, intensity, etc. The Oil Companies accordingly sought to include a reference to 'significant' effects.

7.2 The Reporting Planner recommends that the submission be rejected on the grounds that short term effects may have a lesser impact than effects of permanent activities, but this is because the temporary nature of the activity can make it less significant (including between events that run for a few hours verses over a period of a month). The intent is for the assessment to be on the effects of an activity, not just those that are significant. She also states that the Council's noise expert does not support inclusion of significant into the policy, as suggested.

7.3 The Oil Companies consider that adverse effects from temporary activities need to be managed having regard to scale, intensity, location, duration and frequency of the noise, irrespective of whether the effect is on a noise sensitive activity or not. While the presence of a noise sensitive activity may have a stronger impact on consideration of acceptable intensity, location, duration and frequency of the noise associated with a temporary activity, in principle it should not automatically mean that a noisier than usual temporary activity cannot occur.

7.4 Accordingly, the Oil Companies support the following change:

*1.2 To restrict the scale, intensity, location, duration and frequency of temporary activities to manage any adverse effects on the surrounding environment.*

~~*To ensure temporary activities do not result in adverse amenity effects on noise sensitive activities.*~~

## **8. CONCLUDING COMMENT**

8.1 Thank you for your time and acknowledgement of the issues raised in the Oil Companies' submission. Please do not hesitate to contact the writer on (09) 917 4305 should you wish to clarify any matter addressed herein.

Yours sincerely,

**BURTON PLANNING CONSULTANTS LIMITED**

A handwritten signature in blue ink, appearing to read "Karen Blair".

Karen Blair

**Principal Planner**

**Attachment A - Proposed Plan Change 55 of the Manawatu District Plan – Summary of the Position on the Staff Recommendations On The Oil Companies Submissions (S21) and Further Submissions (FS12)**

**Attachment B: Proposed Plan Change 55 of the Manawatu District Plan – Summary of the Position on the Staff Recommendations On The Oil Companies Submissions (S21) and Further Submissions (FS12)**

Provision	Summary of Submission <i>(additions to provisions <u>underlined</u>, deletions in <del>strikethrough</del>)</i>	Officer Recommendation <b>(Officer Report and Page Number)</b> <i>(additions to provisions <u>underlined</u>, deletions in <del>strikethrough</del>)</i>	Comment
<b>DEFINITIONS</b>			
S21/001  2. Definitions - Earthworks	Permit (or exclude) the maintenance and replacement of network utilities, underground infrastructure and/or services, including tanks and associated pipework because it needs to be clear that installation does not relate only to new equipment. It is appropriate to include a reference to underground infrastructure as that is not necessarily covered by the definition of network utilities and services, but is similar in nature, character and effect.	Recommend that submission S21/001 be rejected, FS12/001 be accepted and FS12/002 be accepted in part and make changes as follows: <i>Earthworks means the removal, deposit or relocation of soil that results in alteration between the existing and finished ground level. This includes but is not limited to, soil movement associated with subdivision and site works as defined in the Building Act 2004. For the purposes of this Plan, earthworks excludes the following:</i>	The Oil Companies’ submission is given effect and the recommendation of the Reporting Planner is supported.
FS12/002 to S1/001  2. Definitions – Earthworks	Supported in part a submission by Federated Farmers that activities such as tilling or cultivation, harvesting and maintaining crops, post holes, drilling bores, offal pits, forming farm tracks, burial of dead stock and installation of water pipes and troughs should also be provided for in the exclusion.	<ul style="list-style-type: none"> <li>• <i>work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</i></li> <li>• <i>fences and fence lines, <u>including their post holes, unless within the National</u></i></li> </ul>	
F12/001 to S3/006	Opposed a submission by HNZPT which opposed the definition of earthworks on the basis that would make an activity where earth is removed, deposited, or relocated not considered earthworks where the finished ground level is the same as the existing ground level. Potentially makes many activities that could cause significant adverse effects not considered earthworks. E.g. digging a trench	<ul style="list-style-type: none"> <li>• <i>trenching and backfilling ancillary to the installation of network utilities and services</i></li> <li>• <i>the minor upgrading, <u>replacement</u>, or maintenance of network utilities</i></li> <li>• <i>cultivation, <u>including harvesting and maintaining of crops</u></i></li> <li>• <i>aggregate extraction, <u>unless within the</u></i></li> </ul>	

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	where ground level is the same in the end could have adverse effect through uncovering human remains.	<u>National Grid Yard.</u>  <u>Replacement for the purposes of network utilities, means the repair or putting back in place the components of the network utility infrastructure so that it remains the same or similar in character, intensity and scale as what was originally in that location.</u>	
S21/002  2. Definitions - Network Utility	Retain matter (d) distribution or transmission [by] pipeline of gas or petroleum, in the definition of network utility.	Recommend that submission S21/002 be accepted. No change to PC55 is recommended as a result of this submission.	The Oil Companies’ submission is given effect and the recommendation of the Reporting Planner is supported.
FS12/003 to S11/007  2. Definitions - Sensitive Activities	Amend the definition of Noise Sensitive Activity as follows: <i>means any of the following:</i> <i>(a) <u>assisted living and retirement village accommodation</u></i> <i>(b) <u>community facilities</u></i> <i>(c) <u>dwelling and other residential activities</u></i> <i>(d) <u>education facilities, including childcare and pre-school facilities</u></i> <i>(e) <u>family flats</u></i> <i>(f) <u>sleepouts</u></i> <i>(g) <u>visitor accommodation</u></i> <i>(h) <u>hospitals.</u></i>	Recommend that further submission FS12/003 be accepted in part. <i>Noise Sensitive Activity means any of the following:</i> <i>(a) <u>assisted living accommodation</u></i> <i>(b) <u>community facilities</u></i> <i>(c) <u>dwelling and other residential activities</u></i> <i>(d) <u>education facilities</u></i> <i>(e) <u>visitor accommodation</u></i> <i>(f) <u>hospitals.</u></i>  All other matters referred to are included in any case by the definition of various terms.	The Oil Companies’ submission is given effect and the recommendation of the Reporting Planner is supported.

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<b>CHAPTER 3 DISTRICT WIDE RULES</b>			
<b>General</b>			
FS12/004 to S8/014  3.0 District Wide Rules	Opposed a submission by NZ Defence Force seeking to include a new definition of reverse sensitivity, on the grounds that there is already one in the Plan (such a definition was included in Plan Change 52).	Recommend that further submission FS12/004 be accepted. No change to PC55 is recommended as a result of this submission.	The Oil Companies’ submission is given effect and the recommendation of the Reporting Planner is supported.
FS12/006 to S16/004	Amend the Introduction to provide clarity to the relationships between the Zone rules and the District Wide rules, and to ensure that the District Wide provisions only apply to utilities as follows: <del><i>This chapter should be read along with the relevant zoning provisions. If the zoning rules are more specific than the provision contained in this chapter, then they shall apply.</i></del> <u><i>The provisions in this chapter supersede the zone provisions. The zone provisions shall only apply if specifically stated within this chapter.</i></u>	Recommend that further submission FS12/006 be rejected. The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. However the statement has been amended as follows: <u><i>This chapter is intended to be read in conjunction <del>should be read along</del> with the relevant zoning provisions. If the zoning rules are more <u>restrictive</u> <del>specific</del> than the provisions contained in this chapter, then <del>they</del> <u>the zone rules</u> shall apply.</i></u>	The Oil Companies’ submission is given effect and the recommendation of the Reporting Planner is supported.

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<b>3B TRANSPORT</b>			
S21/003  Policy 2.4	<p>Delete Policy 2.4 or rewrite as follows:  <i>To promote corridor management for key road routes within the District, which may include <del>restricting or encouraging the through movement of vehicles.</del></i>  <i>To ensure that activities within [insert the types of roads e.g. strategic, collector] road corridors are managed so as not to detract from the availability or services provided to people using that corridor.</i></p> <p>As drafted the policy is not clear as to what specifically it is trying to achieve/implement and/or when corridor management would be implemented and in what form. Policy is unhelpful and appears to be written as a method.</p>	<p>Recommend that submission S21/003 be rejected.</p> <p>Reference to corridor management was a term reflecting Council’s approach to managing the transport network. Of particular concern to Council was ensuring roads are managed and constructed fit for use. There are a number of wide roads within the residential areas that need careful management to ensure safety for road users. This policy also links to the provisions contained in Appendix 3B.2 (which were introduced into the District Plan under Plan Change 45). Changing the Policy as proposed by the submitter changes the intent of the policy and is therefore not supported.</p>	Refer Section 2.0 of the Tabled Statement.
S21/004  3B.4.3 Access _ Standards for Permitted Activities (h)	<p>Amend Rule 3B.4.3 (h) as follows:  <i>Vehicle crossing movements, <u>excluding in industrial and business zones</u>, must not exceed 100 car equivalent movements per day and the car equivalent movements must be calculated in accordance with Appendix 3B.4.</i></p>	<p>Recommend that submission S21/004 be rejected.</p> <p>The provisions are included for all zones to ensure appropriate accesses are provided for the projected uses on the</p>	Refer Section 3.0 of the Tabled Statement.

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		<p>site and the surrounding environment. For example, where a heavy vehicle access is required rather than a standard access design. These types of requirements are intended to apply irrespective of zone. It is not the intention of the rule to restrict high movement generating businesses. In the Manawatu District, the Inner Business Zone still enables dwellings and visitor accommodation. This reflects the provincial nature of the District and the enabling approach of the District Plan. Excluding the industrial and business zones from standards regarding vehicle crossing movements is therefore not supported.</p>	
<p>S21/005  3B.4.6 Restricted Discretionary Activities (a - vi)</p>	<p>Amend Rule 3B.4.6 (vi) as follows: <i>whether <u>access to a Major Arterial Road or Minor Arterial Road will generate adverse effects on the flow of traffic and, if so, if there is a reasonable practicable alternative for legal access to a road other than a Major Arterial Road or Minor Arterial Road.</u></i></p> <p>The amendment will enable the assessment of whether there are adverse effects associated with accessing a major or minor arterial road that would require an alternative practicable</p>	<p>Recommend that submission S21/005 be rejected.</p> <p>The intent of the provision was to encourage access onto roads, other than Major or Minor Arterial Roads to ensure the roading network operates efficiently and safely. In relation to Major and Minor Arterial Roads, it is to ensure they continue to function for the purpose of through traffic movement. The changes suggested by the submitter are not in</p>	<p>Noting that this is an assessment criteria and not a rule, the Oil Companies accept the recommendation of the Reporting Planner.</p>

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	legal access to be adopted, rather than inferring that access off the secondary road should be utilised irrespective of whether there are adverse effects associated with access to a major urban road.	keeping with the purpose and intent of this provision.	
<b>3C NOISE</b>			
S21/006  3C.3 Objectives and Policies (Policy 1.1)	Amendment to Policy 1.1 is sought to clarify that noise sensitive activities should not expect noise levels in industrial zones to protect night time sleeping hours from adverse noise effects. Amend Policy 1.1 as follows: <i>To ensure noise level standards protect dwellings and other noise sensitive activities from unreasonable noise levels <u>where sensitive activities are permitted, and otherwise to require noise sensitive activities to avoid locating in zones where higher noise levels are anticipated unless they provide adequate noise attenuation.</u></i>	Recommend that submission S21/006 be rejected.  The intent of Policy 1.1 is to assist decision making; not set out what can occur as a permitted activity. The permitted activity rules of all zones set out what is considered to be appropriate activities; not policies within the noise chapter. The zone provisions are the appropriate place to consider activities that are appropriate in specific areas and where sensitive activities should or should not occur.	Refer Section 4.0 of the Tabled Statement.
S21/007  Standards for Permitted Activities (c)	Retain Rule 3C.4.2 (c).	Recommend that submission S21/007 be accepted.	The Oil Companies submission is given effect and the recommendation of the Reporting Planner is supported.

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<b>3D EARTHWORKS</b>			
S21/008  3D.2 Resource Management Issues (Issue 1)	Amend issue 1 as follows: <i>Potential adverse effects resulting from earthworks do not detract from the amenity values of the District <u>or generate adverse effects on health and safety.</u></i>	Recommend that submission S21/008 be rejected. The Council is addressing the contaminated land issue through Plan Change 61 which was recently subject to clause 3 consultation with the community. It is unnecessary to repeat these provisions in this chapter.	Noting that land instability is considered in Issue 2 and that contaminated land will be addressed through a further Plan Change, the Oil Companies accept the recommendation of the Reporting Planner.
FS12/005 to S3/018  3D.3 Objectives and Policies (Policy 1.2)	Amend Policy 1.2 as follows: <i>To restrict earthworks within <del>sites identified in this Plan as containing significant heritage values, particularly those identified</del> <u>the area or setting of items scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value).</u></i>  Reference to area or setting is inherently uncertain.	Recommend that submission FS12/005 be rejected, but amend the provision as follows:  <i>To restrict earthworks within <del>sites identified in this Plan as containing significant heritage values, particularly those identified</del> <u>the area of items scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value).</u></i>	Noting the deletion of “or settings”, as long as the ‘area of items’ relates only to the item itself, then the Oil Companies’ submission is given effect and the recommendation of the Reporting Planner is supported.
S21/009  3D.3 Objectives	Policy sets a high threshold insofar as it provides for earthworks to eliminate risks to human health and safety within Outstanding	Recommend that submission S21/009 be rejected. Inclusion of ‘unacceptable’ to the policy	Refer Section 5.0 of the Tabled Statement.

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and Policies (Policy 1.3)	<p>Natural Features and Landscapes. It is very difficult to eliminate risk. More appropriate and achievable to manage risk to an acceptable level than eliminate it.</p> <p>Amend Policy 1.3 as follows: <i>To restrict earthworks in Outstanding Natural Features or Landscapes, except where earthworks are necessary to eliminate <u>unacceptable</u> risk to human health and safety</i></p>	<p>adds confusion and creates uncertainty for plan users. It is not clear who would decide if a risk was unacceptable.</p>	
S21/010  3D.3 Objectives and Policies (Objective 2)	<p>It is considered appropriate to remove visual amenity effects as these effects have already been addressed in Objective 1 and associated policies. Amend Objective 2 as follows: <i>To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land instability <del>and accelerated erosion.</del> <del>and visual amenity effects.</del></i></p>	<p>Recommend that submission S21/010 be accepted and Objective 2 is amended as follows: <i>To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land stability and accelerated erosion <del>and visual amenity effects.</del></i></p>	<p>The Oil Companies’ submission is given effect and the recommendation of the Reporting Planner is supported.</p>
S21/11  3D.3 Objectives and Policies (Policy 2.1)	<p>It is considered appropriate to remove visual amenity effects as these effects have already been addressed in Objective 1 and associated policies.</p>	<p>Recommend that submission S21/011 be accepted in part and that Policy 2.1 is moved to under Objective 1.</p>	<p>The Oil Companies’ submission is given effect and the recommendation of the Reporting Planner is supported.</p>
S21/012 3D.4.2 Standards for Permitted Activities (a)	<p>Standard (a) should be deleted and replaced with reference to erosion and sediment control measures.</p>	<p>Recommend that submission S21/012 be accepted in part and the following changes made: <i>Any sediment runoff from earthworks must be contained within the subject site. All dust and sedimentation control</i></p>	<p>Refer Section 6.0 of the Tabled Statement.</p>

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		<i>measures must be installed prior to earthworks commencing, <u>maintained during the construction works, and only removed once stabilisation occurs.</u></i>	
<b>3E – SIGNS</b>			
S21/013  3E.1 Introduction	Pursuant to the Hazardous Substances and New Organisms Act (1996) signage is mandatory for the Oil Companies to identify hazardous substances stored in containers and tanks. Definitions of signs and official signs are supported insofar as they also only relate to advertising signs/displays. As such warning/hazard identification signs, health and safety signs and general identification signs are assumed to be uncontrolled. That intent is supported and an amendment to the introduction proposed. Amend paragraph 2 of the introduction as follows: <i>It is critical to ensure all signs are managed appropriately to avoid, mitigate, and remedy potential adverse effects on the environment. <u>For clarification, hazard or risk identification and site safety signage does not fall to be considered as 'signs' as defined in the Plan and are therefore not controlled by the Plan. Such signs are provided for and required by other legislation.</u></i>	Recommend that submission S21/013 be accepted in part and the following changes made: <i>It is critical to ensure all signs are managed appropriately to avoid, mitigate, and remedy potential adverse effects on the environment. <u>Legislation can require that hazard or risk identification and site safety signage is provided on a site. For avoidance of doubt, these signs are not controlled by the Plan, provided the legislative requirements are met.</u></i>	The Oil Companies' submission is given effect and the recommendation of the Reporting Planner is supported.

**Attachment B: Proposed Plan Change 55 of the Manawatu District Plan – Summary of the Position on the Staff Recommendations On The Oil Companies Submissions (S21) and Further Submissions (FS12)**

Provision	Summary of Submission <i>(additions to provisions <u>underlined</u>, deletions in <del>strikethrough</del>)</i>	Officer Recommendation <b>(Officer Report and Page Number)</b> <i>(additions to provisions <u>underlined</u>, deletions in <del>strikethrough</del>)</i>	Comment
<b>3F – TEMPORARY ACTIVITIES</b>			
S21/014  3F.3 Objectives and Policies (Policy 1.2)	For temporary activities significant adverse effects should be the main concern of Council. Sometimes short term effects are acceptable when temporary. Insert significant before adverse effects to ensure that less than minor or minor adverse effects are not considered alongside significant adverse effects.	Recommend that submission S21/014 be rejected.  Short term effects may have a lesser impact than effects of permanent activities but this is because the temporary nature of the activity can make it less significant. There is also a difference between events that run for a few hours verses over a period of a month. The intent is for the assessment to be on the effects of an activity, not just those that are significant. Council’s noise expert does not support inclusion of significant into the policy, as suggested by the submitter.	Refer Section 7.0 of the Tabled Statement.
S21/015  3F.4.1 Permitted Activities	Construction activities and effects are temporary in nature and it is not always considered practicable to ensure compliance with the noise limits of the zone the works are in. It is suggested that construction and demolition activities are exempt from Rule 3F.4.1 (e) and instead compliance is required with both NZS 6803:1999 Acoustics Construction Noise and BS 5228-2:2009 - Part 2 Vibration.	Recommend that submission S21/015 be accepted in part and the following changes made: Insert a guidance note under Rule 3F.4.2 as follows: <u>Guidance Note: For guidance on vibration Council recommends District Plan users refer to the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide dated August 2013 for best practice.</u>	Noting that Rule 3C.4.2.c states that sounds generated by construction, maintenance and demolition activities will be managed by NZS6803:1999 Acoustics Construction Noise, then the Oil Companies submission is given effect and the recommendation of the Reporting Planner is supported.