

HAZARDOUS SUBSTANCES AND CONTAMINATED LAND CHAPTER

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1 Scope of Report

- [1] This Recommendation Report relates to the Hazardous Substances and Contaminated Land chapters of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on those chapters.
- [2] The Hearing Panel members for the Hazardous Substances and Contaminated Land chapters were:
- Malcolm Lyall
 - Gary Rae (Chair)
 - Raewyn Solomon
 - Andrew Willis
- [3] The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for this topic were:
- Hazardous Substances and Contaminated Land, 10 September 2021, Jocelyn Lewes
 - Hazardous Substances and Contaminated Land, 1 November 2021, Jocelyn Lewes
- [4] The reporting officer also provided, prior to the hearing, a report entitled 'Officer's Response to Questions from The Hearings Panel' dated 11 October 2021.
- [5] The Hearing Panel's recommended amendments to the notified provisions of the Hazardous Substances and Contaminated Land chapters are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [6] We note that some of the numbering of individual clauses in the rule and rule requirement provisions will need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [7] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [8] A Notice of Hearing was issued to submitters advising of the scheduled hearing date of 11 October 2021. However, there were no requests made by submitters to appear at the hearing by the closing date of 17 September 2021 for such requests to be made. Accordingly, it was determined that a hearing was not required to be held.
- [9] The Panel then met on 11 October 2021 to consider the submissions and tabled statements of evidence (as listed in Appendix 2), including the Section 42A Report. Subsequently the Panel issued further questions to the Section 42A Report author to address in the Officer's Reply Report.

3 Sub-topic Recommendations

- [10] In this part of the Recommendation Report we assess the submissions by sub-topic, using the same headings as the initial Section 42A Report.

3.1 Contaminated Land

3.1.1 Definition of Contaminated Land

- [11] The Definitions Chapter was subject to its own Hearing (Hearing 2), however there are a number of submissions relating to definitions that were more appropriately considered as part of the Hearing on the Hazardous Substances and Contaminated Land chapters.
- [12] For the following submitter and their submission point, in support of the definition of 'contaminated land' as notified, we adopt the recommendation and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0383	Oil Companies	015

3.1.2 Definition of Potentially Contaminated Land

- [13] For the following submitters and their submission points relating to the definition of 'potentially contaminated land', we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0171	Eliot Sinclair	001
DPR-0353	Horticulture New Zealand (HortNZ)	065
DPR-0379	Jill Thomson	028
DPR-0383	Oil Companies	016
DPR-0422	NCCF	072

- [14] We note that the submission points from Eliot Sinclair, HortNZ and NCCF all seek deletion of the definition, for reasons including conflicts and inconsistencies with requirements under the NESCS and the Canterbury Land and Water Regional Plan.
- [15] We are satisfied with the reasons provided in the Section 42A Report that the definition should be deleted. In particular, there are no clear reasons for this definition outlined in Council's s32 report, and the two limbs of the definition appear to merely restate parts of the NESCS. We also consider that whilst the CL-Overview and CL-P1 contain references to 'potentially contaminated land' this phrasing can stand on its own, without the need for definition. In doing so, the PDP will ensure that when a person wants to undertake certain activities, the obligation that the NESCS imposes to determine if land is potentially contaminated is recognised within the PDP.
- [16] We accept the Section 42A Report author's opinion that the scale of change does not require a s32AA evaluation as the deletion of the definition does not change the approach or scope of CL-P1.

3.1.3 Overview

- [17] For the following submitter and their submission point, which is in support of the content of the Overview as notified, we adopt the recommendation and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0383	Oil Companies	011

3.1.4 Objectives

- [18] The Oil Companies sought an amendment to the objective CL-O1 such that it is more directive, requires protection of human health and the environment, and better aligns with CL-P1.
- [19] The Section 42A Report considered that CL-O1 as notified clearly articulates what is to be achieved, and that no amendment is necessary as CL-P1 provides direction as to how this is to be achieved.
- [20] We accept in part the submitter's submission contention that amendments are required to the objective, in particular to remove the words: *'are not compromised by the use of contaminated land'*. However, we prefer wording that reinforces the need to protect human health and the environment from adverse effects, rather than focusing on the management of contaminated land as suggested by the submitter.
- [21] Our recommendation is to change the wording of the objective to:
- 'Human health and the environment are protected from the adverse effects of the use of contaminated land'*
- [22] We consider this to be generally aligned with the outcome sought by the Oil Companies.
- [23] Consequently, for the following submitters and submission points our recommendations are set out below.

Sub #	Submitter	Submission Point	Accept in Part
DPR-0260	Canterbury Regional Council (CRC)	015	✓
DPR-0383	Oil Companies	012	✓
DPR-0448	NZDF	022	✓

3.1.5 Policies

- [24] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	105
DPR-0383	Oil Companies	013
DPR-0422	NCCF	121
DPR-0446	Transpower	067
DPR-0448	NZDF	023, 024

- [25] We are satisfied that the Section 42A Report author's recommendation to retain CL-P1 and CL-P2 as notified is appropriate. We consider that a specific reference to the NESCS as the basis of required investigations is not necessary. It is also appropriate that CL-P1 retains

reference to options being either the remediation of the contamination or the management of activities on contaminated land.

3.1.6 Requested Additional Provisions – Sharing of Information

- [26] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	016

- [27] We are satisfied that the Section 42A Report author's recommendations (in both the Section 42A Report and in the Officer's Response to Questions from The Hearings Panel report) to not include a new policy as requested by CRC.
- [28] The Panel supports there being an integrated and collaborative approach between the regional and district council for the management of contaminated land, but we concur with the Section 42A Report author, and the Oil Companies in their further submission, that this is a method rather than a policy and the streamlined nature of the PDP is such that it does not contain methods separate to the rules. We note also that the requirement for an integrated and collaborative approach is already addressed in Policy 17.3.4 of the Canterbury Regional Policy Statement.

3.1.7 Contaminated Land Chapter Generally

- [29] For the following submitters and their submission points, which are in support of all provisions in the Contaminated Land chapter as notified, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	146
DPR-0363	IRHL	145
DPR-0372	DHL	020
DPR-0374	RIHL	151
DPR-0384	RIDL	153

3.2 Hazardous Substances

3.2.1 Definition of Hazardous Substances

- [30] For the following submitter and their submission point, which seek to retain the definition of 'hazardous substances' as notified, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0383	Oil Companies	014

3.2.2 Definition of Major Hazard Facilities

- [31] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	053
DPR-0370	Fonterra	048

Sub #	Submitter	Submission Points
DPR-0383	Oil Companies	010
DPR-0422	NCFF	063

[32] We consider that reliance on the *Health and Safety at Work (Major Hazard Facilities) Regulations 2016* definition of Major Hazard Facility is clear and will help avoid duplication and inconsistencies in terms of what may constitute a Major Hazard Facility. We also note that neither of the submitters HortNZ or NCFF proposed an alternative definition for further submitters to contemplate and respond to.

[33] We considered there was insufficient evidence from Fonterra to warrant excluding dairy processing activities within the Dairy Processing Zone from the definition. However, we have accepted Fonterra's alternative relief which was to provide a discretionary activity status for Major Hazard Facilities in the Dairy Processing Zone (refer section 3.2.8 below).

3.2.3 Definition of Residual Risk

[34] For the following submitters and their submission points, which support the definition of 'residual risk' as notified we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	067
DPR-0422	NCFF	076

3.2.4 Overview

[35] For the following submitter and their submission point, which supports the content of the Overview, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0383	Oil Companies	001

3.2.5 Objectives

[36] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0215	Winstone Aggregate	034
DPR-0260	CRC	056
DPR-0353	HortNZ	112
DPR-0383	Oil Companies	002
DPR-0448	NZDF	031

[37] We are satisfied that the Section 42A Report author's recommendations to retain HAZS-O1 are appropriate. In particular:

- the use of the term 'acceptable' within the objective allows for consideration that the level of risks can be different depending on a variety of factors, and the HAZS policies provide sufficient guidance as to how acceptable risk is determined; and

- the term 'minimise' is more directive than 'manage' and therefore better aligns with the obligations of the *Health and Safety at Work Act 2015* and the *Health and Safety at Work (Major Hazard Facilities) Regulations 2016*.

3.2.6 Policies

- [38] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0215	Winstone Aggregate	035
DPR-0260	CRC	057
DPR-0353	HortNZ	113 - 116
DPR-0383	Oil Companies	006 - 009
DPR-0448	NZDF	032 - 035

- [39] We are satisfied that the Section 42A Report author's recommendations to retain HAZS-P1, HAZS-P2, HAZS-P3, and HAZS-P4 as notified are appropriate.
- [40] We note that all submitters and submission points listed above have supported these policies, with the only exception being the submission point by Winstone Aggregate which seeks clarification of the intent of HAZS-P1. We do not consider further clarification of the words 'acceptable' and 'residual risk' is necessary for the reasons set out in the Section 42A Report¹.

3.2.7 Rules

- [41] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report, as discussed further below.

Sub #	Submitter	Submission Points
DPR-0215	Winstone Aggregate	036
DPR-0353	HortNZ	118
DPR-0383	Oil Companies	003 - 005
DPR-0448	NZDF	036 - 038

- [42] It is noted that whilst the submitters and submission points listed above are all in support of HAZS-R1, HAZS-R2 and HAZS-R3, amendments are recommended by the Panel with respect to HAZS-R2 as a consequence of our determination of a submission that requested dairy processing facilities be excluded from the rule (see section 3.2.8 below).
- [43] Accordingly, our recommendations for DPR-0383.004 and DPR-0448.037 are 'accept in part' consistent with the Reply Report.
- [44] We also note that a change will be made to HAZS-R1 to correct the spelling of 'hazardous', which is considered a Clause 16(2) matter.

3.2.8 Requested Additional Provision – Exclusion of Dairy Processing Activities

- [45] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Point
DPR-0370	Fonterra	049

¹ Section 42A Report, paragraph 8.28

- [46] We are satisfied that the Section 42A Report author's recommendation, in response to Fonterra's submission, to amend rule HAZS-R2 to provide for a 'Major Hazard Facility' in the Dairy Processing Zone as a discretionary activity is appropriate.
- [47] We consider that the potential effects of a Major Hazard Facility in a Dairy Processing Zone are likely to be similar to those anticipated in a General Industrial Zone (where they are provided for as a discretionary activity). We also accept the Section 42A Report author's evidence that these have the potential to adversely affect surrounding properties, and so we do not consider that it is appropriate that these be a permitted activity in the Dairy Processing Zone as requested by Fonterra. Accordingly, we recommend this submission point is accepted in part.
- [48] In terms of s32AA of the RMA, for this submission and submission point we adopt the Section 42A Report author's assessment of effectiveness and efficiency, costs and benefits, the risk of acting or not acting, and conclusions as to the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

3.2.9 Requested Additional Provisions – Management of Biosecurity Risk

- [49] For the following submitter and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	111, 117, 119

- [50] The submission by HortNZ requested that *"exclusions be provided for within the policy and planning framework which allow for the clearance of any vegetation (including indigenous and that of significance) in the event of a biosecurity emergency declared under the Biosecurity Act or by a declaration of a Chief Technical Officer"*.
- [51] We received evidence from Ms Wharfe for this submitter on the process involved. We agree that given the need for a rapid response to biosecurity incursions, it is not practical to have to obtain resource consent. Accordingly, we accept that provisions are required in the PDP to address this.
- [52] The Section 42A Report recommended a new definition for 'material infected by an unwanted organism', and a suite of provisions as sought by HortNZ be incorporated into the Hazardous Substances chapter, in preference to any other chapter such as the Earthworks Chapter or the General Rural Zone Chapter. It was noted that the relief sought is more than just for earthworks and could be required in areas other than just the rural environment.
- [53] Ms Wharfe² advised us that she supported this approach in principle but had concerns as to whether the Hazardous Substances chapter was the most appropriate location for such provisions.
- [54] In the Reply Report, the Section 42A Report author advised that she had reviewed Standard 7 District-wide Matters of the National Planning Standards and that these do not support the

² Ms Wharfe, EIC, paragraph 8.8

inclusion of provisions related to biosecurity matters. However, the Standard does provide for additional chapters to address other hazards and risks, to be included under the 'Hazards and Risks' heading. Ministry for the Environment subsequently confirmed that Biosecurity could not be added to the Hazardous Substances Chapter. Accordingly, the recommendation was to incorporate a new chapter within the Hazards and Risk section of the PDP, this to be called 'BIOS – Biosecurity' and to include all the relevant provisions relating to biosecurity matters proposed in the Section 42A Report, the Officer's Response to Panel's Questions, and in the Reply Report.

- [55] We accept that recommendation and adopt the evidence in the Reply Report to include the suite of provisions in the new Biosecurity chapter. We note that this was one of the options suggested by Ms Wharfe to meet the submitter's relief³. We note that the provisions include an Overview for the management of biosecurity risk, and an Objective, based on Ms Wharfe's evidence but with some amendments to reflect the drafting protocol in the PDP.
- [56] Finally, we accept the evidence in the Reply Report that, in response to the further submission by Forest & Bird, the suite of provisions will adequately address the concerns regarding indigenous vegetation clearance where disposal of infected material is required. This is achieved by an amendment to EIB⁴-R1.6(g) (set out in the Reply Report) to clarify that it is only indigenous vegetation that is infected by unwanted organisms that is permitted to be cleared.
- [57] The Panel notes that the same wording proposed in clause EIB-R1.6(g) is also proposed in EIB-R1.1(e) and EIB-R1.4(k), but without the extra amendment proposed to EIB-R1.6(g) to address the further submission by Forest and Bird. We consider that a similar change (as proposed to EIB-R1.6(g)) should be made to these other two clauses for the same reasons provided in the Reply Report. We understand that there is scope for this change by way of HortNZ's submission, section 13.3 (*"All consequential amendments required to address the concerns raised in this submission and ensure a coherent, robust and fair plan"*). We note that the provisions of the Ecosystems and Indigenous Biodiversity chapter are recommended to be significantly restructured, and so these recommended changes are shown in Appendix 1 as being to ECO-RC.3.j, ECO-RC.8.b, ECO-RC.11.b, ECO-RD.1.a and ECO-RD.3.a.vi.
- [58] In terms of s32AA of the RMA, for this submission and submission points we adopt the Section 42A Report author's assessment of effectiveness and efficiency, costs and benefits, the risk of acting or not acting, and conclusions as to the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

3.2.10 Requested Additional Provisions – Identification of Major Hazard facilities

- [59] For the following submitter and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	058, 075

³ Ms Wharfe, EIC, paragraph 8.15b

⁴ Noting that the "EIB" prefix is recommended to be renamed "ECO"

- [60] We accept the Section 42A Report author's reasons, in response to submission points by CRC, that it is not effective or efficient to include, either by way of mapping within the ePlan or by including a schedule, major hazard facilities within the PDP. This would require a Schedule 1 RMA process if such facilities are either established or disestablished and in any event this information is also available on Canterbury Maps and on the CRC's own GIS system.

3.2.11 Hazardous Substances Chapter Generally

- [61] For the following submitters and their submission points, which are in support of all the provisions in the Hazardous Substances chapter as notified, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0205	Lincoln University	037
DPR-0213	Plant and Food and Landcare	021
DPR-0358	RWRL	183
DPR-0363	IRHL	182
DPR-0374	RIHL	188
DPR-0384	RIDL	190

4 Other Matters

- [62] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
 - the Hearing Panels considering rezoning requests, and
 - the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP
- [63] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair⁵ and Deputy Chair⁶ of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.
- [64] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.
- [65] There are no other matters arising from our consideration of the submissions and further submissions or that arose during the hearing.

⁵ Who is also the Chair of the IHP.

⁶ Who chaired one stream of hearings.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

There are no amendments recommended to PDP Planning Maps arising from our recommendations on the submissions and further submissions covered by this Recommendation Report.

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

Interpretation

Definitions	
POTENTIALLY CONTAMINATED LAND⁷	That part of a site where: a. a activity or industry described in Schedule 3 of the Canterbury Land and Water Regional Plan that has or is likely to be undertaken or is currently being undertaken; and b. where no detailed site investigation has been completed and reported, which shows that any contaminants within or on the site are at, or below, background concentrations.
<u>MATERIAL INFECTED BY UNWANTED ORGANISMS⁸</u>	<u>means material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u>

⁷ DPR-0171.001 Eliot Sinclair; DPR-0353.065 HortNZ and DPR-0422.072 NCCF

⁸ DPR-0353.111 HortNZ

Part 2 – District Wide Matters

Hazards and Risks

CL – Contaminated Land

CL-Objectives and Policies

CL-Policies	
CL-O1	Human health and the environment are not compromised by <u>protected from the adverse effects of</u> the use of contaminated land. ⁹

HAZS – Hazardous Substances

HAZS-Rules

HAZS-R1	Use and/or Storage of Hazardous <u>Hazardous</u> ¹⁰ Substances, excluding a Major Hazard Facility	
HAZS-R2	Major Hazard Facility	
All Zones <u>GIZ</u> <u>DPZ</u> ¹¹	Activity Status: DIS 1. Major hazard facility. Where: The facility is within the GIZ or DPZ	Activity status when compliance not achieved: <u>N/A</u> When compliance with HAZS-R2.1.a is not achieved: NC
All zones except <u>GIZ</u> <u>DPZ</u>	Activity Status: NC 2. <u>Major hazard facility</u>	Activity status when compliance not achieved: <u>N/A</u>

⁹ DPR-0383.012

¹⁰ Clause 16(2) amendment to correct spelling error

¹¹ DPR-0370.049 Fonterra

BIOS – Biosecurity**BIOS-Overview**

In the event of a biosecurity incursion, where material such as flora or fauna is infected by an unwanted organism, there is a need to respond rapidly. Responses may include earthworks for burying infected material or clearance of infected vegetation so as to stop the spread of and destruction from the unwanted organism. The provisions of this chapter recognise the urgency required in the event of a biosecurity emergency as declared either in accordance with the Biosecurity Act 1993 or by a Ministry of Primary Industries Chief Technical Officer.

BIOS-Objectives and Policies**BIOS-Objectives**

BIOS-O1¹²	<u>Land and resources in the district are protected from the adverse effects of materials infected by unwanted organisms.</u>
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BIOS -Policies

BIOS-P1¹³	<u>Enable the removal and destruction of material infected by unwanted organisms that are being managed as part of biosecurity response under the Biosecurity Act 1993.</u>
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BIOS-Rules

Note for Plan Users: There may be a number of Plan provisions that apply to an activity, building or structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other District Wide or Area Specific Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in the How the Plan Works section.

BIOS-Rule List**BIOS-Rule List**

BIOS-R1	<u>Materials Infected by Unwanted Organisms</u>
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BIOS-R1¹⁴	<u>Materials Infected by Unwanted Organisms</u>
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<u>All Zones</u>	<u>Activity Status: PER</u> <u>1. Earthworks necessary for the burying of material infected by unwanted organisms.</u>	<u>Activity status when compliance not achieved:</u> <u>2. When compliance with BIOS-R1.1.a.i is not achieved: DIS</u> <u>3. When compliance with BIOS-R1.1.a.ii is not achieved: Refer to SASM-R2</u>
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¹² DPR-0353.117 HortNZ

¹³ DPR-0353.117 HortNZ

¹⁴ DPR-0353.119 HortNZ

	<p><u>Where:</u></p> <p><u>a. The earthworks:</u></p> <ul style="list-style-type: none"> <u>i. do not involve indigenous vegetation clearance;</u> <u>ii. are outside of an area identified in SASM-SCHED1; and</u> <u>iii. are outside of the Coastal Environment Overlay;</u> <p><u>b. Within 5 working days of the completion of the works, the Council's Chief Executive is notified in writing by the landowner or their representative of:</u></p> <ul style="list-style-type: none"> <u>i. the specific location and extent of any earthworks necessary of the burying of material infected by unwanted organisms;</u> <u>ii. the nature of the material infected by unwanted organisms; and</u> <u>iii. any ongoing management requirements.</u> <p><u>And the activity complies with the following rule requirements:</u></p> <p><u>NH-REQ4 Natural Hazards and Earthworks</u></p> <p><u>NFL-REQ9 Volume and Area of Earthworks</u></p> <p><u>NATC-REQ1 Setback from Surface Water Bodies – Earthworks and Earthworks Stockpiles</u></p> <p><u>ECO-REQG Earthworks and Ecosystems and Indigenous Biodiversity</u></p>	<p><u>4. When compliance with BIOS-R1.1.a.iii is not achieved:</u> <u>Refer to CE-R5</u></p> <p><u>5. When compliance with any rule requirement listed in this rule is not achieved: Refer to the relevant rule requirement</u></p>
<u>All Zones</u>	<p><u>Activity status: PER</u></p> <p><u>6. Vegetation clearance necessary for the clearance of material infected by unwanted organisms</u></p> <p><u>Where:</u></p> <p><u>a. The activity does not involve indigenous vegetation clearance.</u></p>	<p><u>Activity status when compliance not achieved:</u></p> <p><u>7. When compliance with BIOS-R1.7.a is not achieved: Refer ECO - Ecosystems and Indigenous Biodiversity</u></p>

Natural Environment Values

ECO – Ecosystems and Indigenous Biodiversity

ECO-Rules

ECO-RC	Indigenous Vegetation Clearance outside of significant natural areas	
...	<p>Activity status: PER</p> <p>3. Indigenous vegetation clearance outside any significant natural area</p> <p>Where: The works are:</p> <p>...</p> <p>j. necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, <u>including the clearance of material infected by unwanted organisms</u>¹⁵</p>	...
...	<p>Activity status: PER</p> <p>6. Indigenous vegetation clearance outside any significant natural area</p> <p>Where: The works are:</p> <p>...</p> <p><u>b. Within the GRAZ natural resource area as identified on GRAZ-FIGURE1, the indigenous vegetation clearance is the clearance of material infected by unwanted organisms.</u>¹⁶</p>	...
...	<p>Activity status: PER</p> <p>11. Indigenous vegetation clearance outside any significant natural area</p> <p>Where: The works are:</p> <p>...</p> <p><u>b. The indigenous vegetation clearance is the clearance of material infected by unwanted organisms.</u>¹⁷</p>	...

¹⁵ Consequential Amendments following DPR-0353.0119 HortNZ

¹⁶ Consequential Amendments following DPR-0353.0119 HortNZ

¹⁷ Consequential Amendments following DPR-0353.0119 HortNZ

ECO-RD	Indigenous Vegetation Clearance within significant natural areas	
...	<p>Activity status: PER</p> <p>1. Indigenous vegetation clearance within any significant natural area</p> <p>Where:</p> <p>a. <u>the indigenous vegetation clearance is the clearance of material infected by unwanted organisms</u>¹⁸</p>	...
...	<p>Activity status: PER</p> <p>3. Indigenous vegetation clearance outside any significant natural area</p> <p>Where:</p> <p>a. The clearance is for any of the following activities:</p> <p>...</p> <p>vi. <u>indigenous vegetation clearance that is the clearance of material infected by unwanted organisms</u>.¹⁹</p>	...

¹⁸ Consequential Amendments following DPR-0353.0119 HortNZ

¹⁹ Consequential Amendments following DPR-0353.0119 HortNZ

Appendix 2: Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0353	Horticulture NZ Ltd	Lynette Wharfe	Planner
DPR-0370	Fonterra	Susannah Tait	Planner
DPR-0383	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (Oil Companies)	Jarrold Dixon	Planner
DPR-0422	Federated Farmers of NZ	Elisha Young-Ebert	Policy Advisor
DPR-0446	Transpower	Rebecca Eng	Planner