

Appendix B – Recommendations on Submissions – Contaminated Land

Submission Point	Submitter (S) / Further Submitter (FS)	Section	Provision	Position	Summary of Decision Requested	Reasons	Officer recommendation
S124.001	Fire and Emergency NZ	Interpretation	contaminated land	Support	Retain as notified	Fire and Emergency supports the definition of contaminated land being consistent with section 2 of the RMA.	Accept
S121.043	Alliance Group Limited	CL - Contaminated Land	CL - General	Support	Retain as notified	There are no rules in the District Plan with respect to contaminated land. It is appropriate to defer to the NESCS for the contamination-specific assessment of proposals on contaminated sites.	Accept
S146.014	Southland District Council	CL - Contaminated Land	CL - General	Support	GDC to compile more information on potentially contaminated land, and a testing regime is used for areas known to have held improperly stored hazardous substances.	This would be in best interest of all parties including SDC and downstream residents of GDC.	Reject
S16.035	Fuel Companies	CL - Contaminated Land	CL - General	Support	Retain approach to include an objective and policies for contaminated land, but no rules. Retain the comment under the 'Rules' heading regarding the NESCS.	Support the District Plan containing an objective and policies for contaminated land. In addition, support that there are no rules relating to contaminated land and agree with the approach to not duplicate the provisions of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS).	Accept
S40.034	Silver Fern Farms	CL - Contaminated Land	CL - General	Support	Retain as notified	With regards to "Rules" section- It is appropriate to defer to the NESCS for the contamination-specific assessment of proposals on contaminated sites.	Accept
S121.002	Alliance Group Limited	Information only map layers	MAP Contaminated Land sites	Support	Retain as notified	The Contaminated Land Site overlay is consistent with the Environment Southland Selected Land Use Sites (SLUS) register.	Accept
FS28.073	Kainga Ora			Support	Allow	Kāinga Ora support the availability of land contamination information.	Accept
S85.083	Environment Southland	CL - Contaminated Land	CL-Additional provisions sought	Not Stated	GDC should notify ES when identifying a new HAIL site, so that ES can update the SLUS register	This will enhance regional management of these locations.	Reject
S121.038	Alliance Group Limited	CL - Contaminated Land	CL-Overview	Support	Retain as notified	The "Overview" section adequately sets out the context for the Contaminated Land chapter	Accept
S40.029	Silver Fern Farms	CL - Contaminated Land	CL-Overview	Support	Retain as notified	Adequately sets out the context for the Contaminated Land chapter.	Accept
S121.039	Alliance Group Limited	CL - Contaminated Land	CL-O1	Support	Retain as notified	The objective states an outcome that is well-aligned with the Council's role in implementing the NESCS through resource consent processes.	Accept
S16.036	Fuel Companies	CL - Contaminated Land	CL-O1	Support in part	Amend CL-O1 as follows: Land that is affected by soil contamination is identified, assessed, and managed ~~and monitored~~ to minimise the risk to human health and protect the environment.	Support the amendment of the wording to be more consistent with the NESCS. It is the fuel companies opinion that including 'monitored' in the objective is out of scope for the District Council's Functions. Under s31(1)(b)(ia) of the RMA, the Councils function is for the 'prevention and mitigation' of any adverse effects of the use of contaminated land. Conversely, it is the responsibility of the regional Council's under s30(1)(ca) of the Act to investigate land for the purposes of identifying and monitoring contaminated land. Additionally, under clause 5(2) of the NESCS, which is regulated by Territorial Authorities, monitoring is not explicitly covered. Use of the term 'managed' in the Objective and 'manage' and 'management' in the policies is sufficient to include monitoring where appropriate.	Reject
S40.030	Silver Fern Farms	CL - Contaminated Land	CL-O1	Support	Retain as notified	The objective states an outcome that is well-aligned with the Council's role in implementing the NESCS through resource consent processes.	Accept

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S121.040	Alliance Group Limited	CL - Contaminated Land	CL-P1	Support	Retain as notified	It is appropriate to identify contaminated sites, as the Proposed Plan does, through the "for information only" mapping layer relating to contaminated sites.	Accept
S40.031	Silver Fern Farms	CL - Contaminated Land	CL-P1	Support	Retain as notified	It is appropriate to identify contaminated sites, as the Proposed Plan does, through the "for information only" mapping layer relating to contaminated sites.	Accept
S126.063	Southland Federated Farmers of New Zealand	CL - Contaminated Land	CL-P1	Oppose in part	Amend CL-P1: Identify sites, as per the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 , that are known to contain contaminated soil as a result of current or historic land uses and activities.	Any investigation must be consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) which does not require primary production land investigations for existing primary production land use (s 5,(9)). It should be clear in this policy that the NES-CS is the basis of required investigations.	Reject
S115.064	Kevin Robertson	CL - Contaminated Land	CL-P1	Oppose in part	Amend CL-P1: Identify sites, as per the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 , that are known to contain contaminated soil as a result of current or historic land uses and activities.	Any investigation must be consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) which does not require primary production land investigations for existing primary production land use (s 5,(9)). It should be clear in this policy that the NES-CS is the basis of required investigations.	Reject
S143.075	Rural Ratepayers Group	CL - Contaminated Land	CL-P1	Oppose in part	Amend CL-P1: Identify sites, as per the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 , that are known to contain contaminated soil as a result of current or historic land uses and activities.	Any investigation must be consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) which does not require primary production land investigations for existing primary production land use (s 5,(9)). It should be clear in this policy that the NES-CS is the basis of required investigations.	Reject
S148.076	Alistair & Bernadette Hunt	CL - Contaminated Land	CL-P1	Oppose in part	Amend CL-P1: Identify sites, as per the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 , that are known to contain contaminated soil as a result of current or historic land uses and activities.	Any investigation must be consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) which does not require primary production land investigations for existing primary production land use (s 5,(9)). It should be clear in this policy that the NES-CS is the basis of required investigations.	Reject
S60.066	Ronald Crispin	CL - Contaminated Land	CL-P1	Oppose in part	Amend CL-P1: Identify sites, as per the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 , that are known to contain contaminated soil as a result of current or historic land uses and activities.	Any investigation must be consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) which does not require primary production land investigations for existing primary production land use (s 5,(9)). It should be clear in this policy that the NES-CS is the basis of required investigations.	Reject
S68.184	John Baynes	CL - Contaminated Land	CL-P1	Oppose in part	Amend CL-P1: Identify sites, as per the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 , that are known to contain contaminated soil as a result of current or historic land uses and activities.	Any investigation must be consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) which does not require primary production land investigations for existing primary production land use (s 5,(9)). It should be clear in this policy that the NES-CS is the basis of required investigations.	Reject

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S101.040	Transpower New Zealand Limited	CL - Contaminated Land	CL-P2	Support	Retain Policy CL-P2 as notified.	Transpower supports Policy CL-P2 on the basis that the Policy directs that contaminated land is managed to a level appropriate for the intended use. Such an approach is appropriate for Transpower's substations that are considered 'contaminated land' but continue to be appropriately used as substations.	Accept
S121.041	Alliance Group Limited	CL - Contaminated Land	CL-P2	Support	Retain as notified	It is appropriate to provide flexibility to manage potential risks in a differential manner that corresponds to the site context and the risks inherent to the intended use or development.	Accept
S40.032	Silver Fern Farms	CL - Contaminated Land	CL-P2	Support	Retain as notified	It is appropriate to provide flexibility to manage potential risks in a differential manner that corresponds to the site context and the risks inherent to the intended use or development.	Accept
S121.042	Alliance Group Limited	CL - Contaminated Land	CL-P3	Support	Retain as notified	CL-P3 provides appropriate policy direction to guide the determination of applications under the NESCS.	Accept
S122.003	Fulton Hogan	CL - Contaminated Land	CL-P3	Oppose in part	Add an additional principle for consideration under Policy CL-P3, using the wording suggested below or similar: CL-P3 Determine appropriate management action for contaminated land on the basis of: (...) 9. minimisation of waste to landfill, provided that the health and safety of people and protection of the environment are achieved	We are aware that contaminated soil is becoming a significant contribution to waste in landfills. The Waste Minimisation Regulations introduced waste levies to encourage people to avoid sending waste to landfill. Following this principle, we suggest that waste minimisation should also be a key consideration under CL-P3 to encourage sustainable remediation methods for contaminated sites and reduce waste soil to landfill.	Reject
S139.053	Hokonui Rūnanga Inc	CL - Contaminated Land	CL-P3	Support in part	Amend clause 3 to read: "3. The values of site - including, heritage, archaeological and biodiversity values ~~and values to Māori communities~~ , whakapapa, mauri and effects on any wāhi tapu, mahinga kai or other customary uses. "	Wherever possible the plan provisions should specify the particular effects of concern to mana whenua to ensure the plan provisions are clear and that appropriate effects are identified and assessed, including when Hokonui Rūnanga Inc may be an affected party.	Accept
S40.033	Silver Fern Farms	CL - Contaminated Land	CL-P3	Support	Retain as notified	CL-P3 provides appropriate policy direction to guide the determination of applications under the NESCS.	Accept
S101.102	Transpower New Zealand Limited	CL - Contaminated Land	CL-P3	Support	Retain as notified	Transpower supports Policy CL-P3 to the extent that the Policy directs that contaminated land is managed relative to the existing and future use of the site and using a range of measures. Such an approach is appropriate for Transpower's substations that are considered 'contaminated land', but continue to be appropriately used as substations	Accept