

*Summary of Submissions
Proposed District Plan
Change 69 and Variations
8, 9 and 10*

Contaminated Land
May 2009

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Summary of submissions for DPC69 – All Issues

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
1	Secretary for the Environment	Dr Paul Reynolds Ministry for the Environment PO Box 10362 Wellington 6143	yes	General Support	The submitter generally supports proposed plan change 69.
				3.10 Definitions	The submitter seeks various amendments to the proposed definitions for "Contaminated Land" and "Remediation of Contaminated and Partially Contaminated Land." It is also requested that an additional definition of "Management of Contaminated Land" be included.
				31.1 Introduction	The submitter seeks various amendments to clarify and correct the wording of the introduction.
				31.2 Objectives and Policies	The submitter requests the inclusion of a further policy as Policy 31.2.1.4 to read as follows: "Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on human health and the environment."
				Rule 32.2.1	The submitter requests that the term "activity" in the rule be clarified.
				Rule 32.2.1.5	The submitter requests that the second bullet point in the assessment criteria be amended to read: "Where soil is to be removed from the site, the appropriate tracking and safe transport to land that is authorised and/or consented to take this material."
2	Regional Public Health	Dr Deborah Reed Regional Public Health Private Bag 31-907 Lower Hutt	no	General Support	Regional Public Health supports the proposed plan change.
				31.1 Introduction	The submitter supports the proposed section and requests that it be retained.

				31.2 Objectives and Policies	The submitter requests that paragraph 5 of the italicised explanatory statement be amended to refer to the presence or absence of contamination.
				Rule 32.2.1.6	The submitter requests that the provision be amended to broaden the reference to Ministry of Health guidelines beyond that cited. e.g. "The Management of Asbestos in the Non-Occupational Environment" (Ministry of Health 2007). That the last paragraph of the italicised explanatory statement the references made to the Department of Health be amended to the Ministry of Health.
3	Greater Wellington Regional Council	Tim Porteous Greater Wellington Regional Council PO Box 11646 Wellington	yes	References to verified or Unverified HAIL	The submitter states that as it is the history of a site that determines its entry onto the register, the references be clarified by referring to Verified or Unverified <u>history</u> of HAIL where this occurs.
				General Support	Greater Wellington supports the proposed policy framework to manage the remediation, use, redevelopment, and subdivision of contaminated and potentially contaminated land.
				31.2 Objectives and Policies	Greater Wellington notes that the policy explanation (5th paragraph) uses the former landfill (Fort Dorset) in Seatoun (Appendix 15, Chapter 5 of the District Plan) as an example of an area which requires specific management. It is unclear as to the relevance of this and its inclusion in the policy explanation. Greater Wellington considers that it is unnecessary and should be removed from the policy explanation as most of the Fort Dorset site has been developed for residential activities.
				Rule 5.4.7	If rule 5.4.7, which provides for any subdivision on the former landfill in Seatoun site as a Discretionary Activity (Unrestricted), is to be retained due to the presence of some undeveloped land, then it may be more useful to integrate this rule with the posed policy framework for contaminated land, through this plan change process.
				Rule 32.2.1	Greater Wellington submits that the assessment criteria listed under 32.2 Discretionary Activities (Restricted) be used for the management of the former landfill site in Seatoun. This can be achieved by either providing for activities within the site as Discretionary Activities (Restricted) under rule 32.2 or changing rule 5.4.7, including the assessment criteria, to be consistent with proposed rule 32.2.
				Rule 32.2.1.6	Greater Wellington notes that assessment criterion 32.2.1.6 (page 28) refers to the Department of Health's Guidelines. It should be amended to refer to the Ministry of Health's Guidelines.

				Rule 32.2.1.8	The first paragraph after criterion 32.2.18 refers to the former landfill site in Seatoun as an example which requires specific management. It is submitted that this is unnecessary and should be removed.
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	General Support	CentrePort generally supports the intent and content of the proposed plan change, the plan change and variation seek to clarify and simplify the Plan's provisions relating to contaminated land, which CentrePort welcomes.
				3.10 Definitions	<p>The Submission relates to the definition of "use, redevelopment and subdivision of contaminated or potentially contaminated land."</p> <p>It is submitted that the terminology in the first bullet-point is loose and unhelpful. The inclusion of subdivision in the definition is queried.</p> <p>It is also questioned why the word "redevelopment" has been used rather than the standard RMA terminology of "development".</p> <p>It is requested that:</p> <ol style="list-style-type: none"> 1. Change the words "for the same activity" to "an existing use". 2. Provide for subdivision that does not result in a new use or development of land or any disturbance of the land surface by excluding it from the definition, i.e., add a bullet-point that states "subdivision which is not associated with a change in use or a disturbance of the ground". 3. Change the word "redevelopment" in the heading to "development". If of concern, then add a further definition that says; "DEVELOPMENT: includes redevelopment". 4. Apply the word "development" rather than "redevelopment" throughout the change and variation (and other related variations).
				Guide to Rules	The summary of the first permitted activity in the rule guides refers to "site" investigations. This is potentially confusing, as the word site has particular meaning in the Plan, which could imply broader investigations than the rule intends. It is requested that the word "site" in each of the summary tables be deleted.
				31.1 Introduction	The submitter requests various amendments to clarify and correct the wording of the introduction
				31.2 Objectives and Policies	<p>The submission is concerned about various wording in the Objectives and Policies and requests the following:</p> <ol style="list-style-type: none"> 1. Remove the word "remediation" from Objective 31.2.1, and consequent modification in the explanation. 2. Delete Paragraph 5 in its entirety, or reword it in a way that indicates that existing used can continue without additional approvals. Also clarify that a consent is needed if uses are to change.

					3. Add a paragraph that explains the wide range of actions that could be encompassed within appropriate remediation.
				Rule 32.1.1	<p>There appear to be two versions of the Plan Change (one on the web and one posted to people).</p> <p>The former indicates that conditions must be complied with, but does not state the conditions. The latter does not include any conditions.</p> <p>There appear to be no specific requirements, so the words "provided that... condition:" should be deleted.</p> <p>It appears likely that appropriate subsurface investigations may not be able to meet the new earthworks rules (Plan Change 65). It is important that the intention of the rule in not frustrated by the application of the earthworks or other rules.</p> <p>Alternatively, cross references should be made to other applicable rules in the plan, and exclude provision of the current earthworks rules that may affect the ability for people to meet the permitted activity standard.</p>
				Rule 32.1.2	<p>The submission comments that there are two problems with the rule and requests the following:</p> <ol style="list-style-type: none"> 1. Add references to the definition of Contaminated Site in the Plan, and add a list of accepted guidelines and other information on the basis of which a determination could clearly be made as to whether the land is contaminated or not. 2. Add "and shall demonstrate (to the satisfaction off...) that the land is not contaminated (or within the definition of contaminated land). Add a further explanation of what a "suitably qualified environment scientist" is.
				Rule 32.2.1	It is submitted that the rule reads poorly and appears to contain a number of typographic errors, which should be corrected.
				Rule 32.2.1.5	Rule 32.2.1.5 requires a Remediation Plan, whereas a Plan may not be necessary assuming that the description of the activity for which consent is being sought is comprehensive. In fact, much of the information that appears to be required for the Remediation Plan should be included in the application documentation description of activity and assessment of effects. It is requested that the words "as appropriate" be added between "including" and "the provision".

				Rule 32.2.1.5	The italicised explanatory section to rule 32.2.1.5 contains loose wording, including two reference to "cleaning up" of land, whereas the definition of remediation suggests that other methods may be equally or more appropriate. Also, in the middle, it is suggested that contaminated land may become "more common in Wellington". This implies that new contaminated sites are being created, whereas what appears to be intended is the suggestion that more applications may be needed in future due to them coming within the definition. It is requested that the reference to land being "cleaned up" be removed and replaced with "remediated as appropriate," and contaminated sites becoming more common be replaced with a reference that "Applications for consents relating to contaminated land will probably become more common..."
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	General support	The companies generally support the main thrust and intent of the objectives, policies and rules contained in proposed Plan Change 69 (the Plan Change). However some of the provisions require further clarification, further explanation, amendment or deletion.
				Rules 32.1.1	The submitters support the fact that subsurface investigations are permitted and seek to ensure fuel storage system removals remain, a permitted activity subject only to providing the Council with the associated subsurface investigation reports.

				Rules 32.1.2	The submitters support the fact that subsurface investigations are permitted and seek to ensure fuel storage system removals remain, a permitted activity subject only to providing the Council with the associated subsurface investigation reports.
				3.10 Definitions	<p>The submitters request that the definition of Contaminated Land has the same meaning as that in the RMA and that all references to the Selected Land Use Register be deleted from the definition.</p> <p>The submitters are concerned that the definition of contamination should not refer to potentially contaminated land. It is requested that the definition be amended as follows;</p> <p><i>CONTAMINATION: means hazardous substances present in or on land that could result in the land being classified as Contaminated Land or potentially contaminated land.</i></p> <p>The submitters request that the definition of REMEDIATION OF CONTAMINATED AND POTENTIALLY CONTAMINATED LAND be amended as follows: <i>means the process of removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or eliminating or reducing the hazard risk arising from the contamination of any land</i> <i>but excludes material removed during subsurface investigations in accordance with 32.1.1</i></p>
				Rule 32.1 Permitted activities	<p>The submitters are concerned that where there is a charge of use of potentially contaminated or contaminated land a resource consent will be triggered in terms of Rule 32.2.1. There is a concern that consent requirement will be ongoing and thereby be a blight on such land even if it has been remediated. To address this a new permitted activity provision is requested as follows:</p> <p><u><i>32.1.3 The use, redevelopment or subdivision of Contaminated Land or Potentially Contaminated Land that is in accordance with a Remedial Plan or Site Management Plan approved by the Council in accordance with the relevant consent issued in term of 32.2.1;</i></u></p>

				<p>New Controlled Activity Rule</p> <p>To address issues relating to the ongoing use of sites the submitter requests that a new Controlled Activity Rule be included as follows: <u>32.2.1A is for a subdivision, use or activity that is within the standards acceptable/managed/remediated identified in Wellington Regional Council's Selected Land Use Register.</u></p> <p><u>Control is reserved over the following: The methods to address risk posed by residual contaminants to public health and safety.</u></p>
			<p>Rule 32.2.1</p>	<p>The submitters request that rule 32.2.1 be amended as follows:</p> <p><u>32.2.1 Except for as provided in the Airport Precinct Rules, the subdivision, use, or activity (including the remediation or redevelopment) of any known contaminated land, or potentially contaminated land (that has not otherwise been confirmed as not being contaminated through site investigations unless it has been confirmed as being not contaminated through site investigations in a report forwarded in accordance with 32.1.2.1), is a discretionary activity (restricted) in respect of:</u></p> <p>32.2.1.1 The nature and extent of contamination. The level of residual contamination in relation to the proposed use or activity.</p> <p>32.2.1 <u>the methods to address the risk posed by contaminants to public health and safety.</u></p> <p>32.2.1.3 <u>the effects of contamination on built structures, ecological and amenity values, soil quality, surface and groundwater quality and the wider environment.</u></p> <p>32.2.1.4 <u>The approach to the remediation and on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to accord adverse effects on public health, safety and the environment including the provision of a Remediation Plan or Site Management Plan.</u></p>

				32.2.1 Assessment Criteria	While the Council has not limited the assessment criteria, it is considered appropriate to include an explicit criterion in relation to "the conditions relating to any relevant Regional Consent." This will ensure that any potential conflict between any respective Council sanctions can be addressed. It is therefore requested that a new assessment criterion be included as follows; <i>32.2.19. the nature of any relevant Regional Council requirements or consent conditions</i>
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Summary of submissions for DPC69 - General Support

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
1	Secretary for the Environment	Dr Paul Reynolds Ministry for the Environment PO Box 10362 Wellington 6143	yes	General Support	The submitter generally supports proposed plan change 69.
2	Regional Public Health	Dr Deborah Reed Regional Public Health Private Bag 31-907 Lower Hutt	no	General Support	Regional Public Health supports the proposed plan change.
3	Greater Wellington Regional Council	Tim Porteous Greater Wellington Regional Council PO Box 11646 Wellington	yes	General Support	Greater Wellington supports the proposed policy framework to manage the remediation, use, redevelopment, and subdivision of contaminated and potentially contaminated land.
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	General Support	CentrePort generally supports the intent and content of the proposed plan change, the plan change and variation seek to clarify and simplify the Plan's provisions relating to contaminated land, which CentrePort welcomes.
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	General support	The companies generally support the main thrust and intent of the objectives, policies and rules contained in proposed Plan Change 69 (the Plan Change). However some of the provisions require further clarification, further explanation, amendment or deletion.

Summary of submissions for DPC69 - References to verified or Unverified HAIL

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
3	Greater Wellington Regional Council	Tim Porteous Greater Wellington Regional Council PO Box 11646 Wellington	yes	References to verified or Unverified HAIL	The submitter states that as it is the history of a site that determines its entry onto the register, the references be clarified by referring to Verified or Unverified <u>history</u> of HAIL where this occurs.

Summary of submissions for DPC69 - Guide to Rules

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
4	Neville Hyde	CentrePort Ltd PO Box 794 Wellington	yes	Guide to Rules	The summary of the first permitted activity in the rule guides refers to "site" investigations. This is potentially confusing, as the word site has particular meaning in the Plan, which could imply broader investigations than the rule intends. It is requested that the word "site" in each of the summary tables be deleted.

Summary of submissions for DPC69 - 3.10 Definitions

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
1	Secretary for the Environment	Dr Paul Reynolds Ministry for the Environment PO Box 10362 Wellington 6143	yes	3.10 Definitions	<p>The submitter seeks various amendments to the proposed definitions for "Contaminated Land" and "Remediation of Contaminated and Partially Contaminated Land."</p> <p>It is also requested that an additional definition of "Management of Contaminated Land" be included.</p>
4	Neville Hyde	CentrePort Ltd PO Box 794 Wellington on	yes	3.10 Definitions	<p>The Submission relates to the definition of "use, redevelopment and subdivision of contaminated or potentially contaminated land."</p> <p>It is submitted that the terminology in the first bullet-point is loose and unhelpful. The inclusion of subdivision in the definition is queried.</p> <p>It is also questioned why the word "redevelopment" has been used rather than the standard RMA terminology of "development".</p> <p>It is requested that:</p> <ol style="list-style-type: none"> 5. Change the words "for the same activity" to "an existing use". 6. Provide for subdivision that does not result in a new use or development of land or any disturbance of the land surface by excluding it from the definition, i.e., add a bullet-point that states "subdivision which is not associated with a change in use or a disturbance of the ground". 7. Change the word "redevelopment" in the heading to "development". If of concern, then add a further definition that says; "DEVELOPMENT: includes redevelopment". 8. Apply the word "development" rather than "redevelopment" throughout the change and variation (and other related variations).
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	3.10 Definitions	<p>The submitters request that the definition of Contaminated Land has the same meaning as that in the RMA and that all references to the Selected Land Use Register be deleted from the definition.</p> <p>The submitters are concerned that the definition of contamination should not refer to potentially contaminated land. It is requested that the definition be amended as follows;</p> <p>CONTAMINATION: means hazardous substances present in or on land that could result in the land being classified as Contaminated Land or potentially contaminated land.</p>

					<p>The submitters request that the definition of REMEDIATION OF CONTAMINATED AND POTENTIALLY CONTAMINATED LAND be amended as follows:</p> <p><i>means the process of removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or eliminating or reducing the hazard risk arising from the contamination of any land</i></p> <p><u>but excludes material removed during subsurface investigations in accordance with 32.1.1</u></p>
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Summary of submissions for DPC69 - 31.1 Introduction

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
1	Secretary for the Environment	Dr Paul Reynolds Ministry for the Environment PO Box 10362 Wellington 6143	yes	31.1 Introduction	The submitter seeks various amendments to clarify and correct the wording of the introduction.
2	Regional Public Health	Dr Deborah Reed Regional Public Health Private Bag 31-907 Lower Hutt	no	31.1 Introduction	The submitter supports the proposed section and requests that it be retained.
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	31.1 Introduction	The submitter requests various amendments to clarify and correct the wording of the introduction

Summary of submissions for DPC69 - 31.2 Objectives and Policies

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
1	Secretary for the Environment	Dr Paul Reynolds Ministry for the Environment PO Box 10362 Wellington 6143	yes	31.2 Objectives and Policies	The submitter requests the inclusion of a further policy as Policy 31.2.1.4 to read as follows: "Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on human health and the environment."
2	Regional Public Health	Dr Deborah Reed Regional Public Health Private Bag 31-907 Lower Hutt	no	31.2 Objectives and Policies	The submitter requests that paragraph 5 of the italicised explanatory statement be amended to refer to the presence or absence of contamination.
3	Greater Wellington Regional Council	Tim Porteous Greater Wellington Regional Council PO Box 11646 Wellington	yes	31.2 Objectives and Policies	Greater Wellington notes that the policy explanation (5th paragraph) uses the former landfill (Fort Dorset) in Seatoun (Appendix 15, Chapter 5 of the District Plan) as an example of an area which requires specific management. It is unclear as to the relevance of this and its inclusion in the policy explanation. Greater Wellington considers that it is unnecessary and should be removed from the policy explanation as most of the Fort Dorset site has been developed for residential activities.
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	31.2 Objectives and Policies	The submission is concerned about various wording in the Objectives and Policies and requests the following: <ol style="list-style-type: none"> 1. Remove the word "remediation" from Objective 31.2.1, and consequent modification in the explanation. 2. Delete Paragraph 5 in its entirety, or reword it in a way that indicates that existing used can continue without additional approvals. Also clarify that a consent is needed if uses are to change. 3. Add a paragraph that explains the wide range of actions that could be encompassed within appropriate remediation.

Summary of submissions for DPC69 - 32.2.1 Assessment Criteria

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	32.2.1 Assessment Criteria	While the Council has not limited the assessment criteria, it is considered appropriate to include an explicit criterion in relation to "the conditions relating to any relevant Regional Consent." This will ensure that any potential conflict between any respective Council sanctions can be addressed. It is therefore requested that a new assessment criterion be included as follows; <i>32.2.19. the nature of any relevant Regional Council requirements or consent conditions</i>

Summary of submissions for DPC69 – Rule 5.4.7

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
3	Greater Wellington Regional Council	Tim Porteous Greater Wellington Regional Council PO Box 11646 Wellington	yes	Rule 5.4.7	If rule 5.4.7, which provides for any subdivision on the former landfill in Seatoun site as a Discretionary Activity (Unrestricted), is to be retained due to the presence of some undeveloped land, then it may be more useful to integrate this rule with the posed policy framework for contaminated land, through this plan change process.

Summary of submissions for DPC69 – Rule 32.1 Permitted activities

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	Rule 32.1 Permitted activities	<p>The submitters are concerned that where there is a charge of use of potentially contaminated or contaminated land a resource consent will be triggered in terms of Rule 32.2.1. There is a concern that consent requirement will be ongoing and thereby be a blight on such land even if it has been remediated. To address this a new permitted activity provision is requested as follows:</p> <p><u>32.1.3 The use, redevelopment or subdivision of Contaminated Land or Potentially Contaminated Land that is in accordance with a Remedial Plan or Site Management Plan approved by the Council in accordance with the relevant consent issued in term of 32.2.1;</u></p>

Summary of submissions for DPC69 – Rule 32.1.1

Sub- mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	Rule 32.1.1	<p>There appear to be two versions of the Plan Change (one on the web and one posted to people).</p> <p>The former indicates that conditions must be complied with, but does not state the conditions. The latter does not include any conditions.</p> <p>There appear to be no specific requirements, so the words "provided that... condition:" should be deleted.</p> <p>It appears likely that appropriate subsurface investigations may not be able to meet the new earthworks rules (Plan Change 65). It is important that the intention of the rule in not frustrated by the application of the earthworks or other rules.</p> <p>Alternatively, cross references should be made to other applicable rules in the plan, and exclude provision of the current earthworks rules that may affect the ability for people to meet the permitted activity standard.</p>
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	Rules 32.1.1	<p>The submitters support the fact that subsurface investigations are permitted and seek to ensure fuel storage system removals remain, a permitted activity subject only to providing the Council with the associated subsurface investigation reports.</p>

Summary of submissions for DPC69 – Rule 32.1.2

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	Rule 32.1.2	The submission comments that there are two problems with the rule and requests the following: 3. Add references to the definition of Contaminated Site in the Plan, and add a list of accepted guidelines and other information on the basis of which a determination could clearly be made as to whether the land is contaminated or not. 4. Add "and shall demonstrate (to the satisfaction off...) that the land is not contaminated (or within the definition of contaminated land). Add a further explanation of what a "suitably qualified environment scientist" is.
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	Rules 32.1.2	The submitters support the fact that subsurface investigations are permitted and seek to ensure fuel storage system removals remain, a permitted activity subject only to providing the Council with the associated subsurface investigation reports.

Summary of submissions for DPC69 – Rule 32.2.1

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Relief Sought
1	Secretary for the Environment	Dr Paul Reynolds Ministry for the Environment PO Box 10362 Wellington 6143	yes	Rule 32.2.1	The submitter requests that the term "activity" in the rule be clarified.
3	Greater Wellington Regional Council	Tim Porteous Greater Wellington Regional Council PO Box 11646 Wellington	yes	Rule 32.2.1	Greater Wellington submits that the assessment criteria listed under 32.2 Discretionary Activities (Restricted) be used for the management of the former landfill site in Seatoun. This can be achieved by either providing for activities within the site as Discretionary Activities (Restricted) under rule 32.2 or changing rule 5.4.7, including the assessment criteria, to be consistent with proposed rule 32.2.
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	Rule 32.2.1	It is submitted that the rule reads poorly and appears to contain a number of typographic errors, which should be corrected.
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	Rule 32.2.1	<p>The submitters request that rule 32.2.1 be amended as follows:</p> <p><i>32.2.1 Except for as provided in the Airport Precinct Rules, the subdivision, use, or activity (including the remediation or redevelopment) of any known contaminated land, or potentially contaminated land (that has not otherwise been confirmed as not being contaminated through site investigations unless it has been confirmed as being not contaminated through site investigations in a report forwarded in accordance with 32.1.2.1), is a discretionary activity (restricted) in respect of:</i></p> <p><i>32.2.1.1 The nature and extent of contamination. The level of residual contamination in relation to the proposed use or activity.</i></p> <p><i>32.2.1 the methods to address the risk posed by contaminants to public health and safety.</i></p> <p><i>32.2.1.3 the effects of contamination on built structures, ecological and amenity values, soil quality, surface and groundwater quality and the wider environment.</i></p> <p><i>32.2.1.4 The approach to the remediation and on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to accord averse effects on public health, safety</i></p>

					<i>and the environment including the provision of a Remediation Plan or Site Management Plan.</i>
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Summary of submissions for DPC69 – Rule 32.2.1.5

Sub- mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
1	Secretary for the Environment	Dr Paul Reynolds Ministry for the Environment PO Box 10362 Wellington 6143	yes	Rule 32.2.1.5	The submitter requests that the second bullet point in the assessment criteria be amended to read: "Where soil is to be removed from the site, the appropriate tracking and safe transport to land that is authorised and/or consented to take this material."
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	Rule 32.2.1.5	<p>Rule 32.2.1.5 requires a Remediation Plan, whereas a Plan may not be necessary assuming that the description of the activity for which consent is being sought is comprehensive. In fact, much of the information that appears to be required for the Remediation Plan should be included in the application documentation description of activity and assessment of effects. It is requested that the words "as appropriate" be added between "including" and "the provision".</p> <p>The italicised explanatory section to rule 32.2.1.5 contains loose wording, including two references to "cleaning up" of land, whereas the definition of remediation suggests that other methods may be equally or more appropriate. Also, in the middle, it is suggested that contaminated land may become "more common in Wellington". This implies that new contaminated sites are being created, whereas what appears to be intended is the suggestion that more applications may be needed in future due to them coming within the definition. It is requested that the reference to land being "cleaned up" be removed and replaced with "remediated as appropriate," and contaminated sites becoming more common be replaced with a reference that</p>

					"Applications for consents relating to contaminated land will probably become more common..."
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Summary of submissions for DPC69 – Rule 32.2.1.6

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
2	Regional Public Health	Dr Deborah Reed Regional Public Health Private Bag 31-907 Lower Hutt	no	Rule 32.2.1.6	The submitter requests that the provision be amended to broaden the reference to Ministry of Health guidelines beyond that cited. e.g. "The Management of Asbestos in the Non-Occupational Environment" (Ministry of Health 2007). That the last paragraph of the italicised explanatory statement the references made to the Department of Health be amended to the Ministry of Health.
3			yes	Rule 32.2.1.6	Greater Wellington notes that assessment criterion 32.2.1.6 (page 28) refers to the Department of Health's Guidelines. It should be amended to refer to the Ministry of Health's Guidelines.

Summary of submissions for DPC69 – Rule 32.2.1.8

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
3	Greater Wellington Regional Council	Tim Porteous Greater Wellington Regional Council PO Box 11646 142 Wakefield St New Zealand	yes	Rule 32.2.1.8	The first paragraph after criterion 32.2.18 refers to the former landfill site in Seatoun as an example which requires specific management. It is submitted that this is unnecessary and should be removed.

Summary of submissions for DPC69 - New Controlled Activity Rule

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
5	Shell New Zealand Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Chevron New Zealand	Burton Planning Consultants Limited PO Box 33-817 Takapuna Auckland 0470	yes	New Controlled Activity Rule	To address issues relating to the ongoing use of sites the submitter requests that a new Controlled Activity Rule be included as follows: <u>32.2.1A is for a subdivision, use or activity that is within the standards specified for a site classified as contamination acceptable/managed/remediated identified in Wellington Regional Council's Selected Land Use Register.</u> <u>Control is reserved over the following; The methods to address risk posed by residual contaminants to public health and safety.</u>

Summary of submissions for DPC69 – Variations 8, 9 and 10

Sub-mission Number	Submitters Name	Address for Service	Wishes to be heard	Provision	Submission/Relief Sought
4	CentrePort Limited	Neville Hyde CentrePort Ltd PO Box 794 Wellington	yes	Variation 9 and as appropriate Variations 8 and 10	The CentrePort submissions to proposed Plan Change 69 are also made as relevant to proposed Variations 8, 9 and 10.