

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of the First  
Schedule to the Act

BETWEEN BP OIL NEW ZEALAND LTD, MOBIL  
OIL NEW ZEALAND LTD, Z ENERGY  
LTD

(ENV-2013-WLG-000087)

Appellant

AND HOROWHENUA DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge BP Dwyer sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

### CONSENT ORDER

#### *Introduction*

[1] The Court has read and considered the appeal and the parties' draft consent order received 13 March 2014.

[2] Federated Farmers of New Zealand gave notice of an intention to become a party under s274, and has signed the memorandum setting out the relief sought.

[3] The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for the present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



*Order*

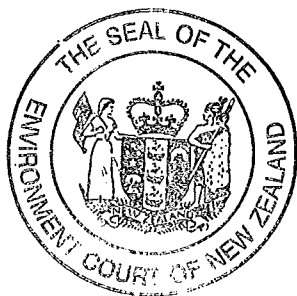
[4] The Court orders, by consent, that the appeal is allowed to the extent that the Proposed Horowhenua District Plan be amended as follows (additions shown in **bold** and agreed deletions shown in ~~strike through~~):

- (a) Amend Issue 9.2 "Contaminated Land":

"Issue 9.2 Discussion

Hazardous substances can contaminate land when discharges occur and are not cleaned up. Contaminated land is an area where contaminants occur at greater levels than naturally occurring background levels. Within the Horowhenua there are a number of known sites containing contaminated land where testing has confirmed the presence of hazardous substances. An owner wishing to conduct activities on contaminated land needs to ensure the contaminant is not exposed during activities or that it is appropriately managed, usually through remediation or removal of **contaminated material** from the land or **other management measures**.

In circumstances where more sensitive land uses are proposed on land that has either not been fully remediated (but the level of contamination was acceptable for the previous land use) or is potentially contaminated land, it is important to ensure that the land is remediated to a satisfactory degree to avoid **risks to human health** or to reduce **those risks to a level that is appropriate for the intended use** ~~human health~~. Alternatively, contaminated land needs to be managed so that it does not pose an unacceptable risk to current or proposed land uses. The on-going management of **contaminated** ~~contaminants on~~ land needs to be adequate to protect the reasonably foreseeable needs of present and future land users. Poorly implemented ~~site risk~~-management plans can result in unforeseen and unexpected adverse effects and poorly managed information can result in uninformed land use decisions, both of which can expose people and the environment to unacceptable risks.



....."

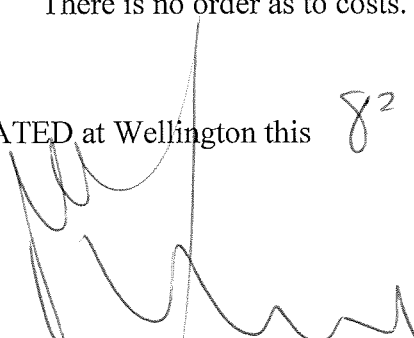
(b) Amend Policy 9.2.4:

Ensure that **when** ~~all remediation, use, subdivision and redevelopment~~ of land affected by soil contamination **is used, subdivided, and/or redeveloped, the land is managed or remediated in a way that** prevents or mitigates adverse effects and **manages the risk to** ~~on~~ human health and/or the environment **to a level that is appropriate for the intended use."**

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 8<sup>th</sup> day of April 2014

  
\_\_\_\_\_  
B P Dwyer  
Environment Judge

