

**BEFORE THE HEARINGS PANEL
AT RANGIORA**

IN THE MATTER of the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER of the Proposed Waimakariri District Plan Hearing Stream 5:
Earthworks

SUMMARY STATEMENT OF EVIDENCE BY VANCE HODGSON

**FOR THE NEW ZEALAND PORK INDUSTRY BOARD
AND
HORTICULTURE NEW ZEALAND**

23 August 2023

My Evidence in Chief (EIC) for Hearing Stream 5: Earthworks, addressed the submissions and further submissions made by The New Zealand Pork Industry Board (NZPork) and Horticulture New Zealand (HortNZ) seeking earthwork provisions in the Proposed Waimakariri District Plan that enable the burying of biosecurity material that may be required under the Biosecurity Act 1993.

1. I address key matters from this evidence in the summary below and update a reference I made to the then Proposed Selwyn District Plan, plan change process that considered the same matter.

Responses To Biosecurity Incursions

2. As expressed in my EIC, I understand that not all biosecurity incursions would meet the threshold of a biosecurity emergency that would trigger provisions in the Resource Management Act 1991 (as emergency works) or the provisions in the Biosecurity Act 1993, which overrides Part 3 of the Resource Management Act 1991. In particular those incursions of 'unwanted organisms' as defined in the Biosecurity Act.
3. Where such an incursion occurs, the particular course of action may be directed by a person authorised under the Biosecurity Act. If this response involved burning of infected plant or animal material, then this is a permitted activity under the Canterbury Land and Water Regional Plan (subject to standards). If the response requires onsite burial, then district plan earthworks controls could be a constraint to a timely response.
4. It is my opinion that it is appropriate to include a permitted activity pathway in the Proposed Waimakariri District Plan to enable the burying of biosecurity material that may be required under the Biosecurity Act and that linking such earthworks to directions of an authorised person under the Act limits the circumstances when these

provisions can be relied upon on to bona fide biosecurity incursions where burial is an appropriate response.

5. I understand that in the unlikely event of an incursion, the effects of earthworks associated with burial of infected material is controlled by regional councils or by other agencies under other legislation and these are sufficient to manage actual or potential adverse effects on the environment.

Partially Operative Selwyn District Plan (Decisions Version)

6. In my EIC, I referenced¹ to the s42A recommendation on the then Proposed Selwyn District Plan to include a new chapter within the Hazards and Risk section of the proposed plan and a permitted activity status (with standards) for earthworks necessary for the burying of material infected by unwanted organisms.
7. Decisions on the Proposed Selwyn District Plan were notified on 19 August 2023 with the appeal period closing 29 September 2023. Those decisions accepted the s42A recommendation, providing a policy and method framework for this matter.
8. The relevant provision of the now Partially Operative Selwyn District Plan (Decisions Version) are provided in Attachment 1.

Vance Hodgson

¹ Statement of Evidence PWDP Hearing 5 - Vance Hodgson: Paragraph 40 and Attachment G

PDP Commissioners Recommendations

Changes to this chapter include recommendations from the following Commissioner

Recommendations Reports on the PDP:

- Hearing 02 Introduction and General Provisions
- Hearing 03 Urban Growth
- Hearing 04 Energy and Infrastructure
- Hearing 05 Transport
- Hearing 06 Hazardous Substances and Contaminated Land
- Hearing 08 Notable Trees
- Hearing 09 Natural Hazards
- Hearing 10 Ecosystems and Indigenous Biodiversity
- Hearing 11 Sites and Areas of Significance to Māori
- Hearing 13 Natural Character
- Hearing 14 Public Access, Subdivision and Development Areas
- Hearing 18 Signs
- Hearing 17 Noise
- Hearing 19 Natural Features and Landscapes
- Hearing 20 Coastal Environments
- Hearing 21 Temporary Activities
- Hearing 22 Residential
- Hearing 23 Commercial Mixed Use Zones
- Hearing 24 General Rural Zone
- Hearing 26 Port, Knowledge, and Dairy Processing Zones
- Hearing 27 Grasmere, Porters Ski and Terrace Downs Zones
- Hearing 30.3 General Rural Rezoning
- NPS-Highly Productive Land
- Climate change adaptation and emissions reduction

V1 Commissioners Recommendations

Changes to this chapter include recommendations from the following Commissioner

Recommendations Reports on V1 to the PDP:

- Rezone Prebbleton

Definitions

DEF-Overview

This part of the District Plan explains the extended meaning of words and phrases developed specifically for the Plan, having regard to the context in which they are used. The definitions herein replace the ordinary dictionary meaning of the subject word or phrase.

Definitions only apply where identified in the ePlan with a green dotted underline. In all other instances, words and phrases used in the District Plan have their ordinary dictionary meaning.

Other definitions on which each definition relies (reliant definitions) are identified through the same green underlining and hyperlinking in the definition for information purposes, to assist interpretation of the primary definition and to illustrate the interrelationship between some definitions.

Where a word or phrase is defined in this chapter, its definition includes any variations of the word or phrase that are plural or vice versa, unless specified.

	<p>making a structure safe or weathertight; and</p> <p>ii. Building Code upgrades which may be needed to meet relevant standards, as part of the repairs</p> <p>d. In relation to network utilities, important infrastructure and their ancillary activities in all locations, any work or activity necessary to continue the operation and/or functioning of the existing line, building, structure, facility or utility, and shall also provide for the replacement or minor upgrade of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose. It does not include any expansion of the existing line, building, structure, facility or utility or any increase in voltage.</p>
MAJOR HAZARD FACILITY	<p><i>Has the same meaning as the Health and Safety at Work (Major Hazard Facilities) Regulations 2016</i></p> <p>means a facility that WorkSafe has designated as a lower tier major hazard facility or an upper tier major hazard facility under regulation 19 or 20</p>
MĀORI LAND	<p>Land with the following status:</p> <p>a. Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Maori Act 1993; and</p> <p>b. Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Maori Act 1993.</p>
MATERIAL INFECTED BY UNWANTED ORGANISMS	<p>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.</p>
MAUNGA	Mountain, mount, peak
MAURI	Life supporting capacity, spiritual essence
MINERAL EXTRACTION	Any mining or quarrying activity.
MINERAL PROSPECTING	<p>Any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences and includes the following activities:</p> <p>a. geological, geochemical, and geophysical surveying:</p> <p>b. aerial surveying:</p> <p>c. taking samples by hand or hand held methods:</p> <p>d. taking small samples offshore by low-impact mechanical method</p>
MINIMISE	<p>Reduce to the smallest extent reasonably practicable.</p> <p>Minimised, minimising and minimisation have the corresponding meaning.</p>
MINING	<p><i>Has the same meaning as in section 2 of the Crown Minerals Act 1991</i></p> <p>a. means to take, win, or extract, by whatever means,</p> <p>i. a mineral existing in its natural state in land; or</p> <p>ii. a chemical substance from a mineral existing in its natural state in land; and</p> <p>b. includes</p> <p>i. the injection of petroleum into an underground gas storage facility; and</p> <p>ii. the extraction of petroleum from an underground gas storage facility; but</p> <p>c. does not include prospecting or exploration for a mineral or</p>

PDP Commissioners Recommendations

- Changes to this chapter include recommendations from the following Commissioner Recommendations Reports on the PDP:
- Hearing 06 Hazardous Substances and Contaminated Land

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 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

- BIOS-O1** Land and resources in the district are protected from the adverse effects of materials infected by unwanted organisms.

BIOS-Policies

- BIOS-P1** 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.

BIOS-Rules

Note for Plan Users: There may be a number of Plan provisions that apply to an activity, building or structure, or 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-
R1** Materials Infected by Unwanted Organisms

BIOS- Materials Infected by Unwanted Organisms R1

<p>All Zones</p>	<p>Activity Status: PER</p> <p>1. Earthworks necessary for the burying of material infected by unwanted organisms.</p> <p>Where:</p> <p>a. The earthworks:</p> <ul style="list-style-type: none"> i. do not involve indigenous vegetation clearance; and ii. are outside of an area identified in SASM-SCHED1. <p>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:</p> <ul style="list-style-type: none"> i. the specific location and extent of any earthworks necessary for the burying of material infected by unwanted organisms; ii. the nature of the material infected by unwanted organisms; and iii. any ongoing management requirements. <p>And the activity complies with the following rule requirements: NH-REQ4 Natural Hazards and Earthworks ECO-REQG Earthworks and Ecosystems and Indigenous Biodiversity NATC-REQ1 Setback from Surface Water Bodies - Earthworks and Earthworks Stockpiles NFL-REQ9 Earthworks in ONL and VAL CE-REQ5 Earthworks</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of BIOS-R1.1.a.i is not achieved: DIS</p> <p>3. When compliance with any of BIOS-R1.1.a.ii is not achieved: Refer to SASM-R2 Earthworks</p> <p>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to the relevant Rule Requirement</p>
<p>All Zones</p>	<p>Activity Status: PER</p> <p>7. Vegetation clearance necessary for the clearance of material infected by unwanted organisms</p>	<p>Activity status when compliance not achieved:</p> <p>8. When compliance with any of BIOS-R1.7. is not achieved: Refer to the ECO</p>

<p>Where: a. The activity does not involve indigenous vegetation clearance.</p>	<p>- Ecosystems and Indigenous Biodiversity Chapter</p>
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