

PLANNING EVIDENCE

IN THE MATTER OF Proposed Te Tai o Poutini Plan (pTTPP)

AND

IN THE MATTER OF A hearing into the above pursuant to the Resource Management Act 1991

DATE OF HEARING 6 December 2023

**REVIEW OF RESOURCE MANAGEMENT AND PLANNING MATTERS
RELATED TO SUBMISSIONS AND FURTHER SUBMISSIONS OF
WESTPOWER LTD TO THE PROPOSED TE TAI O POUTINI PLAN**

TOPICS:

**Contaminated Land
Hazardous Substances**

Evidence of Martin Kennedy

1.0 INTRODUCTION

- 1.1 My name is Martin Kennedy and I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth.
- 1.2 I have been engaged by Westpower Limited to provide planning evidence in regard to resource management issues related to the Proposed Te Tai o Poutini Plan (*pTTPP*), and more particularly recommendations and amendments arising from the Section 42A Report relating to submissions and further submissions made by Westpower.
- 1.3 My role in this hearing process is to provide evidence on relevant resource management issues to assist the Commissioners in considering the matter.
- 1.4 This evidence specifically relates to the topic:
 - Contaminated Land and Hazardous substances

2.0 SUBMITTER

- 2.1 The submitter is: Westpower Limited (*Westpower*)
- 2.2 Westpower is a community owned company undertaking activities related to the generation and supply/distribution of electricity to the community. Westpower undertakes activities in all districts in the region. Westpower's ability to undertake its activities for the community is impacted by the provisions of the plan. When assessing the proposed plan activities have been considered under three broad categories (although all are interrelated);
 - the existing electricity network;
 - potential additions and extension to the network;
 - electricity generation activities.

3.0 WITNESS

- 3.1 As above I have been requested by the submitter to present evidence on the resource management issues relating to certain matters which were the subject of submissions and further submissions to the *pTTPP*.
- 3.2 I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth. Prior to that, I

was Manager of the Environmental Services Department of the Grey District Council based in Greymouth. Before that I was District Planner at the same Council. I have 32 years Resource Management and Planning experience. I have experience in all aspects of implementation of the Resource Management Act (from a consent authority, applicant and submitter perspective) including: Resource Consent Applications (processing, development and submissions), environmental effects assessments; notification and processing decisions; and District Plan development, implementation and associated processes. I also assist submitters with submissions and involvement in National, Regional and District Policy and Plan development processes under the Resource Management Act.

- 3.3 I have had specific experience with the development, implementation and interpretation of the Policies and Plans on the West Coast as a consultant to Councils, applicants and submitters.
- 3.3 I have a BSc (Physical Geography) and a Masters Degree in Regional and Resource Planning (MRRP).
- 3.4 I am a current full member of the New Zealand Planning Institute.
- 3.5 I have read and understood the Code of Conduct for Expert Witnesses contained in the Environment Court's Consolidated Practice Note 2023 and agree to comply with it. The report presented is within my area of planning expertise and I confirm that I have not omitted to consider material facts that might alter or detract from the opinions given in this evidence.

4.0 SCOPE OF EVIDENCE

- 4.1 Westpower Ltd made submissions to a number of provisions throughout the pTTPP, and later in the process further submissions. There have been no pre-hearing processes since the lodging of submissions and further submissions.
- 4.2 For the purpose of this evidence the current pTTPP document is used as the base for assessment and opinions, with reference to the Section 42A Report (*the s42A Report*).

- 4.3 Westpower Ltd, whilst retaining its submissions and further submissions, is in general agreement with those recommendations of the Section 42A Report where they result in the outcomes/decisions sought by Westpower. Westpower has sought my advice for the purposes of the hearing into the pTTPP and the matters arising which have not been accepted, or accepted in part, through the s42A Report.
- 4.4 It is not proposed to repeat all of the matters on which submissions were made by Westpower Ltd as they are before the Commissioners in the form of the original submission and further submissions, and the s42A Report. It is agreed that the report generally represents the matters raised in those submissions and further submissions, and those points of submission remain. There are some issues arising with submission points and these are discussed below.
- 4.5 This evidence is therefore submitted for two purposes;
- To provide advice in regard to the recommended outcomes, in their current form, in the s42A Report in relation to the submissions and further submissions made by Westpower Ltd.
 - To provide further evidence in relation to matters arising from the s42A Report which require clarification and/or amendments. In terms of this hearing the topics covered are;
 - Contaminated Land and Hazardous Substances
- 4.6 This evidence covers the topic area and focuses on those recommendations where the s42A Report does not support the submissions and further submissions of Westpower Ltd, or where issues have been identified with the report.

5.0 CONCLUSION

- 5.1 Having reviewed the S32A Report, summary of recommended decisions and proposed amendments to provisions there are no further issues arising in regard to this matter.

6.0 STRUCTURE OF EVIDENCE

- 6.1 To assist with this evidence the following sections are provided;

- a. Recommendations on Submissions and Further Submissions (*Section 7.0*) supported
- b. Amendments Required (*Section 8.0*)
- c. Section 32 Analysis (*Section 9.0*)
- d. Part II of the Resource Management Act 1991 (*Section 10.0*)

6.2 To assist with this evidence, summaries of the s42A Report recommendations are attached as Appendix 1 below. These appendices will be referred to where required for ease of cross reference rather than repetition of information.

7.0 RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

7.1 Having reviewed the Section 42A Report and appendices, which are understood to reflect the recommendations of that report, Westpower have advised that those recommendations accepting its further submissions are supported. This is with the exception of those matters discussed below, including where a submission or further submission has been accepted in part.

7.2 I have reviewed those matters and generally support the recommendations to accept those further submission points made by Westpower. I provide no further evidence in regard to those matters at this stage. I will be available to answer any questions should those matters recommended to be accepted in the s42A Report remain in contention at the hearing. For clarity these recommendations are shown in Appendix 1 (pages 1-3) attached to this evidence, as further submissions accepted.

8.0 AMENDMENTS REQUIRED

8.1 Provided the recommendations of the s42A Report are adopted in regard to the further submissions of Westpower there are no further comments or amendments required.

10.0 PART II OF THE ACT

10.1 Part 2 of the Act, and more particularly Section 5, requires an assessment of the proposal and its ability to achieve the Acts overriding principal of sustainable management to be undertaken.

10.2 It is my opinion that the amendments suggested above will assist in ensuring the TTPP achieves the purpose and principals of the Act for the reasons discussed above.

Martin Kennedy
Planning Consultant
(West Coast Planning Ltd)

6 November 2023

Appendix 1: Summary of S42A Recommendations – Contaminated Land and Hazardous Substances (including Definitions)

Further Submissions Accepted

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S438.021	Manawa Energy Limited (Manawa Energy)	Definitions	Not Stated	Add a new definition of the term 'major hazard facility' as follows: major hazard facility: Has the same meaning as the Health and Safety at Work (Major Hazard Facilities) Regulations 2016. 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.	Accept in part
FS222.0173	Westpower Limited		Support	Allow	Accept in part
S552.046	Buller Conservation Group	HS - O1	Amend	HS - O1 The benefits associated with the use of hazardous substances are recognised while ensuring that risks to the environment and human health arising from subdivision use and development <u>or any other</u> activities involving hazardous substances are minimised.	Reject
FS222.013	Westpower Limited		Oppose	Disallow	Accept
S552.047	Buller Conservation Group	Hazardous Substances Objectives	Support	Add <u>O2 To encourage and promote the safe and efficient handling and disposal of hazardous substances throughout the District.</u>	Reject
FS222.012	Westpower Limited		Oppose	Disallow	Accept
S552.048	Buller Conservation Group	Hazardous Substances Policies	Amend	<u>P5 Compliance with approved codes of practice and national guidelines and standards shall be required for all activities involving the use, storage and transport of hazardous substances.</u>	Reject
FS222.014	Westpower Limited		Oppose	Disallow	Accept

S552.049	Buller Conservation Group	HS - P1	Support	HS - P1 Activities and facilities involving the use and storage of hazardous substances shall be designed, located, constructed and operated so as to <u>avoid</u> minimise residual risk to people and the environment	Reject
FS222.015	Westpower Limited		Oppose	Disallow	Accept
S553.046	Frida Inta	HS - O1	Amend	Amend The benefits associated with the use of hazardous substances are recognised while ensuring that risks to the environment and human health arising from subdivision use and development <u>or any other</u> activities involving hazardous substances are minimised.	Reject
FS222.0123	Westpower Limited		Oppose	Disallow	Accept
S553.047	Frida Inta	HS - O1	Support	Amend: <u>To encourage and promote the safe and efficient handling and disposal of hazardous substances throughout the District.</u>	Reject
FS222.0124	Westpower Limited		Oppose	Disallow	Accept
S553.048	Frida Inta	Hazardous Substances Policies	Amend	Add: <u>Compliance with approved codes of practice and national guidelines and standards shall be required for all activities involving the use, storage and transport of hazardous substances.</u>	Reject
FS222.0125	Westpower Limited		Oppose	Disallow	Accept
S553.049	Frida Inta	HS - P1	Amend	HS - P1 Activities and facilities involving the use and storage of hazardous substances shall be designed, located, constructed and operated so as to <u>avoid</u> minimise residual risk to people and the environment	Reject
FS222.0126	Westpower Limited		Oppose	Disallow	Accept
S560.184	Royal Forest and Bird Protection Society of New	Contaminated Land	Amend	Amend Objectives, polices and rules so environment explicitly includes risks to native species and their habitat	Reject

	Zealand Inc. (Forest & Bird)				
FS222.0248	Westpower Limited		Oppose	Disallow	Accept
S560.185	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Hazardous Substances	Amend	Amend Objectives, polices and rules so environment explicitly includes risks to native species and their habitat	Reject
FS222.0249	Westpower Limited		Oppose	Disallow	Accept