Te Tai o Poutini Plan

Introductory Planning Statement

Hazardous Substances - Ngā Matū Mōrearea

Contaminated Land - Ngā Whenua Tāhawahawa

Notable Trees - Ngā Rākau Whakamaumahara

Te Tai o Poutini PLAN

A combined district plan for the West Coast

Introduction

1. Tēnā koutou. My name is Lois Margaret Easton. I have been the principal planner during the period of development of Te Tai o Poutini Plan. I have been the lead planner for all but four of the topics within Te Tai o Poutini Plan. My credentials are outlined in the relevant s42A reports and I will not repeat these here.
2. There are two topics being considered at today's hearing – the first being Contaminated Land and Hazardous Substances, and the second being Notable Trees.

Contaminated Land and Hazardous Substances

3. Firstly hazardous substances..
4. The Hazardous Substances and New Organisms Act 1996 and related regulations are the principal regulations controlling the introduction, manufacture, use, storage and disposal of hazardous substances. The district councils have limited powers and responsibilities under HSNO, which is administered by other agencies, particularly in terms of the use and application of hazardous substances in working situations.
5. There are no staff within the three district councils that have expertise around the regulation of hazardous substances.
6. In terms of Te Tai o Poutini Plan the approach taken to hazardous substances was to focus the provisions on major hazardous facilities. An examples of major hazardous facilities on the West Coast is Westland Milk Products.
7. Major hazard facilities may have risks to human health and amenity and other off site effects which fall within district council jurisdiction, particularly as arise from incompatible use around sensitive activities.
8. The TTPP includes objectives and policies only for hazardous substances. Because there are no rules, these objectives and policies will principally be used where a resource consent is triggered for another reason. This might be for example in relation to natural hazards – and there are rules in the natural hazards chapter that have some inclusions in relation to hazardous substances.
9. Turning to Contaminated Land, the situation is similar. Land can become contaminated when hazardous substances are not used, stored, or disposed of in an appropriate way. Contaminated land is commonly associated with past activities such as the manufacture and use of pesticides, timber treatment, sheep dipping and the disposal of wastes in landfills.
10. District councils have significant functions in relation to contaminated land, but the rules around this are already prescribed in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011. The NESCS. The NESCS is a nationally consistent set of planning controls which must be enforced by a District council under section 44A Clause 8 of the RMA. It was developed to achieve a consistent, nation-wide approach to manage issues with the legacy of past use of chemicals which has left soil contamination and disposal of hazardous wastes.
11. The NESCS provides the rule framework for the management of contaminated land to avoid the impacts on human health, so it is only the objective and policy framework that is needed to assist in the assessment of resource consents is required.
12. The methods to establish whether land is contaminated are set out in the NESCS. These methods include determining whether an activiity listed in the Hazardous Activities and Industries List – known as HAIL has or is likely to have been undertaken on the land. The NESCS requires that land affected by contaminants is identified and assessed before it is developed and if necessary the land is remediated or the contaminants are contained to maje that land safe for human use.
13. The West Coast Regional Council holds and manages the HAIL list on behalf of the Wst Coast Councils. There are approximately 500 sites across the West Coast that are currently known to either have, or have had, land use activities that may cause contamination. Examples of HAIL sites include petrol stations, mining sites and landfills.
14. When considering the the provisions in the Operative Plans, these were all developed prior to the current National and Regional policy framework for hazardous substances and therefore had linited relevance for the drafting of the TTPP provisions. The operative Buller District Plan has

objectives and policies for both hazardous substances and contaminated land, Grey and Westland Plans have provisions for hazardous substances only.

15. I will now turn to the s42A report on the Contaminated Land and Hazardous Substances topics. The submissions recieved were largely supportive of the resource management approach, and the majority of submissions were focussed on the matters of detail in relation to the wording of the objectives and policies.
16. In relation to Contaminated Land the major amendment that I support is the addition of a policy around the management of closed landfills. I have also supported the amendment of the objective to reflect that the adverse effects of contaminated land can be remedied.
17. In relation to Hazardous substances I have recommended a number of changes. These include:
    a. Including definitions for Hazardous Substances and of Major Hazard Facility.
    b. Amending Policy HS – P2 to specify that surface waterbodies and natural hazard overlays are areas where major hazard facilities should be located away from.
    c. Amending Policy HS – P3 to identify the Mineral Extraction Zone and Buller Coalfield Zone as additional zones where major hazard facilities may be appropriate.

Notable Trees

18. I turn now to Notable Trees.
19. Notable Trees have traditionally been a matter that is considered part of historic heritage. The National Planning Standards elevated this matter to a separate chapter within the historical and cultural values section of a district plan.
20. Notable trees can be identified for a number of reasons – they may have been planted to commemorate an event, may provide visual amenity, or over time a tree may become significant due to its sites or rarity. Trees may also be notable if they have value to mana whenua. Notable trees may have botanical or scientific value, but if the values are primarily ecological then they would be included as significant natural areas in the ecosystems and biodiversity chapter.
21. Notable trees do not have to be, and often are not native to New Zealand.
22. In developing the TTPP provisions for notable trees, the provisions in the operative district plans provided significant context. The three district plans all had notable trees scheduled within their plans as part of their heritage lists. In these plans however notable trees were considered a heritage item, therefore there were not specific objectives or policies around notable trees.
23. In terms of issues identified around notable trees it was evident that there were no clear criteria for identification of notable trees – but there was a public desire expressed during consultation for addition of trees to the schedule.
24. The TTPP adopted the STEM – Standard Tree Evaluation Method for the assessment of new notable trees. This is the common method used nationally for such evaluations and is used by over 40 local authorities across New Zealand. It evaluates trees in relation to their condition, amenity, notableness, historic and scientific value. The threshold for determining if trees were notable was set at 170 points and those trees were considered to be outstanding features that contribute to the amenity and heritage of a neighbourhood and the wider district.
25. The 56 existing notable trees identified in the three operative plans were not reassessed. But a survey was undertaken to ensure that the trees still existed – and this found some had been removed. Over 80% of these tree locations are on public land – such as a road reserve or within pars.
26. New notable trees were nominated by heritage groups, Poutini Ngāi Tahu and through public feedback and these were assessed using the STEM protocol. There are a total of 59 notable trees scheduled across the West Coast in TTPP.
27. As part of the notification of the proposed Plan, letters were sent to all landowners with notable trees identified on their property to advise them of the listing. This included landowners with the approximately 10 new trees proposed for inclusion in the register. No submissions have been recieved opposing any of these trees being scheduled.
28. I will now turn to the s42A report on the Notable Trees topic. The submissions recieved were largely supportive of the resource management approach, and the majority of submissions were focussed on the matters of detail in relation to the wording of the objectives, policies and rules.
29. Based on the submissions recieved I have recommended a number of changes to the provisions. Key changes that I have recommended include:

a. Amending Policy TREE – P4 to include specific reference to the operation of infrastructure and energy activities
b. Amending Rules TREE – R2, and TREE – R3 to specifically refer to energy activiites within the rule
c. Amending Rules TREE – R4, TREE – R5 and TREE – R6 to insert the word practicable within the assessment criterion that refers to alternatives.
d. Amending Schedule Two so that it is explicit which trees have Poutini Ngāi Tahu values

Close

30. This is the key context and matters for the Section 42A reports.
31. Thank you