



# Te Tai o Poutini PLAN

*A combined district plan for the West Coast*

Prepared for: Hearing Commissioners - Te Tai o Poutini Plan  
Prepared by: Lois Easton, Principal Planner  
Date: 6 December 2023  
Subject: **s42A Author Right of Reply Contaminated Land and Hazardous Substances**

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## **Purpose of Report**

1. The purpose of this report is to respond to the questions raised by the Hearings Commissioner during Hearing 5: Contaminated Land and Hazardous Substances, and for the Officer to propose any further amendments to the notified version of the Proposed District Plan above those recommended in the Officers s42a evidence report.

## **Hearing Panel's Questions to the s42a Reporting Officer and their Response**

2. The following questions were received from the Hearing Commissioner for the Contaminated Land and Hazardous Substances topic which sat on 6 December 2023.

### **[1] What in the proposed plan identifies to the reader how to find out if a site is contaminated and where to go to find this information? Should an Advice Note be included with this information?**

3. The proposed Plan does not provide specific information on how to identify if a site is contaminated or if the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS) applies.
4. I agree additional information that the West Coast Regional Council holds this information would be helpful to the Plan user, and could be included as a minor amendment under Schedule 1, clause 16 (2) of the RMA. I recommend that such information could be added to the Overview section. In order to assist the Plan user I also recommend that an electronic link to the West Coast Regional Council website information on HAIL and the SLUS register be added to the overview section.
5. My recommended additional text is underlined.

## **Contaminated Land Overview**

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### **Role of West Coast Regional Council**

Information on the locations of known Contaminated Land on the West Coast is held by the West Coast Regional Council. In some instances activities in or on Contaminated Land may also require a resource consent from the West Coast Regional Council.

The West Coast Regional Council also holds the information on whether a site is on the Hazardous Activities and Industries List – known as HAIL. The West Coast Regional Council has an electronic register – the Selected Land Use Sites (SLUS) register. Sites that are included on this register may be affected by the rules in NESCS and also the policies that apply in this chapter. An electronic link to the West Coast Regional Council webpage and how to access the SLUS register can be found here: [insert link]

**[2] Can I relook at the reasons why Hazardous Substances aren't covered at length in the District Plan.**

6. A key consideration for development of TTPP provisions was consistency with the Hazardous Substances and New Organisms Act 1996 (HSNO). The HSNO Act provides the general framework for controlling hazardous substances during their life cycle. HSNO is largely implemented by the Environmental Protection Authority (EPA).
7. Alongside this there are specific regulations around Hazardous Substances in the workplace – the Health and Safety at Work (Hazardous Substances) Regulations 2017 (HSWA Regulations). These are administered by Worksafe New Zealand (Worksafe). Worksafe enforces the regulations relating to the use, handling and storage of hazardous substances. As workplaces include areas such as farms (major users on the West Coast of agriculturals and fuel which are hazardous substances) this is a significant role. Worksafe also:
  - Provides guidance, manages a compliance certification regime, and has developed more detailed and technical rules for some hazardous substances
  - Enforces the ecotoxic and disposal requirements in the workplace, which are set out under HSNO
  - Provides information and tools to help address businesses understand their obligations.
8. The Ministry for the Environment has also produced a Guidance Note: Managing Hazardous Substances under the Resource Management Act. This guidance note reiterates that councils should ensure they do not duplicate the requirements under the HSNO and the HSWA Regulations. They also note that any additional local controls on hazardous substances need to be justified under Section 32.
9. In light of all this the TTPP focuses on matters that are of particular relevance to the West Coast and district plan functions – in particular the location of major hazard facilities in relation to sensitive activities and zoning.
10. In relation to submissions Frida Inta and the Buller Conservation Group (\$552,553.047) sought that a policy from the operative Buller District Plan be brought over into the TTPP. This policy is " *To encourage and promote the safe and efficient handling and disposal of hazardous substances throughout the District*".
11. As is outlined above other regulations manage these matters and I consider that the inclusion of this in the district plan would be a duplication of function. In line with the MFE Guidance Note, I consider this would not be appropriate.

**Recommended Amendments to the Plan**

1. Amend the Overview section in the Contaminated Land Chapter as follows:

**Contaminated Land  
Overview**

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