



TE RŪNANGA O NGĀTI AWA

Form 5 Submission on notified proposal for policy statement or plan, change or variation Clause 6 of Schedule 1, Resource Management Act 1991

To: Whakatāne District Council

Name of submitter: **Te Rūnanga o Ngāti Awa**

Submission to: **Whakatāne District Plan, Plan Change 2 - 23 and 45 Keepa Road**

Trade Competition: **Te Rūnanga o Ngāti Awa cannot gain an advantage in trade competition through this submission.**

The specific provisions of the proposal that my submission relates to are:

All provisions in Proposed Plan Change 2.

Submissions:

Te Rūnanga o Ngāti Awa:

- **Supports** the submissions lodged by **affected tangata whenua**, including:
 - Ngati Hokopu ki te Hokowhitu a Tu Hapu
 - Te Hokowhitu a Tu **Marae Trust**
 - Te Hokowhitu a Tu **Marae Committee**
 - the multiple Maori Land **owners of private Maori Freehold land** adjacent to and surrounded by the applicant's current and proposed developments
 - **Te Runanga o Ngati Awa**
- **Opposes the residential zone and provisions proposed in Private Plan Change 2**
- **Recommends a Community and Cultural Zone** as the underlying zone within which residential areas and contaminated sites can be identified
- **Recommends** Council works collaboratively¹ with tangata whenua and the applicant's consultant on redesigning the structure plan so that it recognises and provides for longstanding s6(e) and reverse sensitivity matters that will endure on the land in perpetuity and to achieve a structure plan design and planning provisions that identify suitable

¹ RMA Schedule 1 Part IV clause 37 (1) A local authority may decide to use the collaborative planning process to prepare or change a policy statement or plan'. Please See Appendix 1.

methods for keeping the existing and possible future residents safe from contaminated material at sites present on the land

- **Recommends** that Council and the applicants consultant work with tangata whenua to develop more appropriate planning provisions that will be consistent with the recommended redesigned structure plan which can include provisions for residential development within the proposed underlying Community and Cultural Zone

Te Runanga o Ngati Awa opposes proposed plan change 2 because it does not:

- recognise and provide for matters of national importance required by section 6(e) of the Resource Management Act 1991
- identify existing Maori relationships, culture and traditions exhibited in pre-existing activities undertaken at the marae and whanau homes that will remain in perpetuity and should be recognised and provided for in planning provisions including in reverse sensitivity provisions, zoning and activity classes
- recognise and provide for longstanding and ongoing relationships of the hapu with their:
 - marae
 - accessways
 - adjacent Maori Freehold land
 - their ancestral land at 23 and 45 Keepa Road
 - the dilapidated home at 45 Keepa road
 - the strip between Maori Freehold Land blocks (identified in red on the Proposed Structure Plan), and;
 - the land across the road where stormwater infrastructure is proposed to go
- future generations of Ngati Hokopu ki te Hokowhitu a Tu community who will continue to actively participate in their community at their marae
- retain existing buffers around the marae and whanau homes, it deletes them
- recognise that the strip of land (coloured red in the proposed structure plan) disconnects whanau from each other and the marae and now has a lowered land level that forms a drain in which rainwater sits intermittently and emits odour, attracts flies, mosquitos and vermin that adversely affect the adjacent marae and whanau homes
- relieve issues relating to traffic and parking congestion that will be exacerbated because there has been no recognition that there is no parking area at the marae
- does not address contaminated sites management issues and ignores site 26a completely
- does not recognise that the dilapidated house on 45 Keepa Road is a heritage home of cultural significance to whanau and hapu who remain interested in and affected by its future use or demolition and the methods by which it may be demolished
- recognise that the proposed plan change will squeeze the marae and whanau land and homes between a light industrial zone and a densely developed residential zone
- that newcomers to the land may be adversely affected by the pre-existing activities undertaken on and adjacent to the land.

Te Rūnanga o Ngāti Awa recommends a Community and Cultural Zone as the underlying zone within which residential areas and contaminated sites can be identified because a collaborative approach is better able to recognise and provide for the omissions above, and to identify (for example):

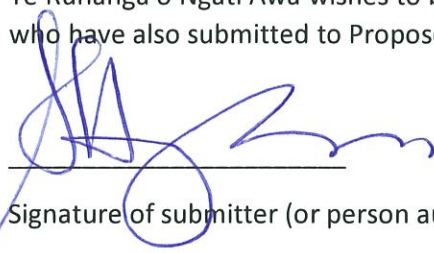
- wording for covenants and/or regulation that will inform potential residential householders about reverse sensitivity matters when they are considering purchasing a property next to the busy marae and its community
- provisions that keep people informed and safe from three recorded pcp/dioxin contaminated sites, Kopeopeo Canal, dust and noise that comes from the major intersection at Keepa Road, Landing Road and the Hub and ongoing noise and dust from the Whakatane Mill and wood yard
- pre-existing and ongoing activities at the marae and whanau households include gatherings for solemn ceremonies (e.g. tangihanga/funerals), celebrations (e.g. 21st birthday parties, weddings, club parties), educational activities including quiet events like healing workshops and more noisy events like secondary school workshops, hosting sports groups (including international teams), kapa haka practices, open fire hangi making and many other activities that generate vehicular movements, the need for car parking and noise.

The aim of the collaborative approach is to address the outstanding issues in structure plan design and planning provisions to avoid expensive and time-consuming litigious processes that are likely to follow a Council decision to adopt Plan Change 2 – as proposed.

While it is acknowledged that the applicants planning consultant met twice with the community, he simply presented information to them, but the proposed private plan change does not show how it recognises and provides for the issues discussed. We consider this is likely to be the result of the applicant's advice to the planning consultant, rather than a failure on the part of the planning consultant.

It is evident that the Proposed Plan Change does not include provisions for s6(e) and reverse sensitivity matters, and this is unacceptable.

Te Runanga o Ngati Awa wishes to be heard in support of its submission alongside tangata whenua who have also submitted to Proposed Plan Change 2.



Signature of submitter (or person authorised to sign on behalf of submitter)

Date: 12 April 2018

Contact Details

Electronic address for service of submitter: bev@ngatiawa.iwi.nz

Telephone: 07 30 70 760, extension 237

Postal address: PO Box 76, Whakatane 3165

Contact person: Beverley Hughes

Beverley Hughes (Manager, Policy & Strategy – Environment, Economic, Social)

APPENDIX 1

Schedule 1, Part IV, Clause 37 is extracted from the Resource Management Act 1991 webpage 'NZ Legislation' managed by the Parliamentary Counsel Office of New Zealand

Choice of collaborative planning process

Schedule 1 heading: inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

37 Considerations relevant to decision on choice of process

(1)

A local authority may decide to use the collaborative planning process to prepare or change a policy statement or plan.

(2)

In determining whether the collaborative planning process is to be used to prepare or change a policy statement or plan, a local authority must consider—

(a)

whether the resource management issues to be dealt with in the policy statement or plan would benefit from the use of the collaborative planning process, having regard to the scale and significance of the relevant resource management issues; and

(b)

the views and preferences expressed by persons who are likely to be affected by those resource management issues or who have an interest in them; and

(c)

whether the local authority has the capacity to support the collaborative planning process, having regard to the financial and other costs of the process; and

(d)

whether a requirement, designation, or heritage order could be considered within a collaborative planning process; and

(e)

whether there are people in the community able and willing to participate effectively in the collaborative planning process as members of a collaborative group; and

(f)

whether any matters of national significance are likely to arise and, if so, whether these could be dealt with in the collaborative planning process; and

(g)

whether the relevant provisions of any iwi participation legislation that applies in an area could be accommodated within the collaborative planning process, as required by this Part.

(3)

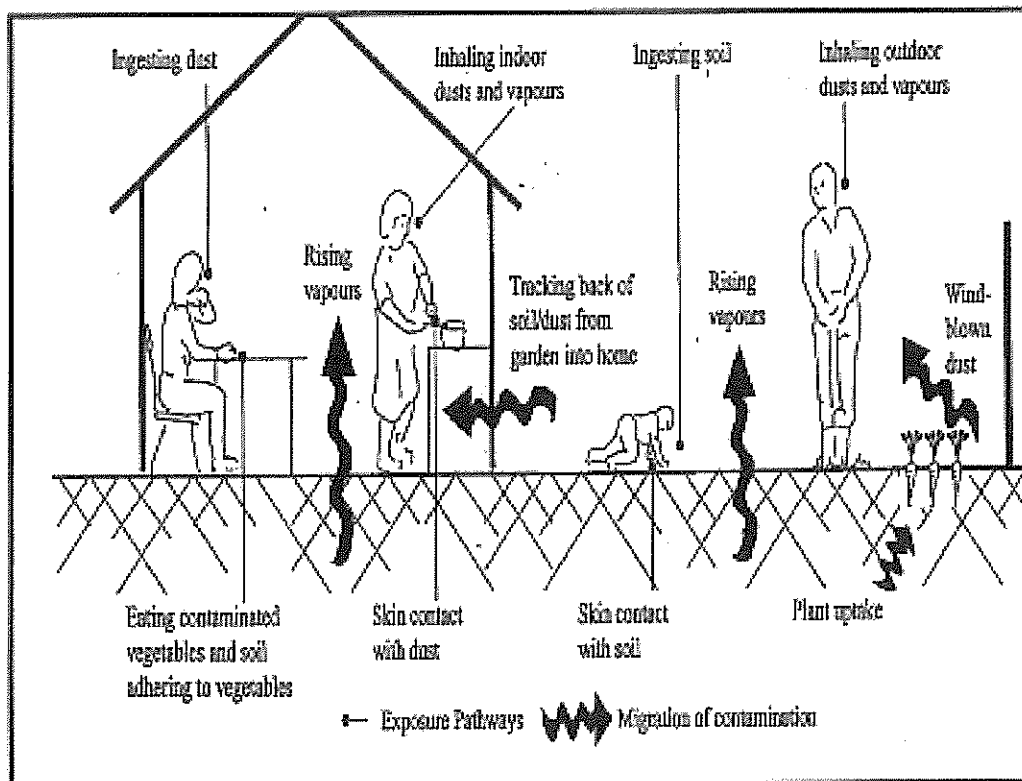
Before determining to use the collaborative planning process, a local authority must be satisfied that use of the process is not inconsistent with the local authority's obligations under any relevant iwi participation legislation or Mana Whakahono a Rohe.

Schedule 1 clause 37: inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Appendix 2

In 4 parts including:

1. **Map 1** – Snipped extract from BOPRC Bay of Plenty Maps webpage showing registered HAIL sites. Note that only two of the contaminated sites are identified on this map
2. **Map 2** – snipped from the Ngati Awa GIS Database which is informed by layers of information provided by BOPRC about pcp/dioxin contaminated sites
3. **Front Page of Final Report** ‘Delineation & Risk Assessment Mill Waste Disposal sites 24a and 24b – Keepa Road , November 2003 – Gulf Resource Management Ltd
4. **Executive summary from that report**
5. Map in that report showing site 24a, 24b and 26a



Hazardous Activities and Industries List (HAIL)



What is the HAIL list?

The HAIL list is a list of 53 activities and industries identified by the Ministry for the Environment (MfE) which have the potential to discharge contaminants to soils where an activity or industry is taking or has taken place in the past.

Examples of sites in our region that may be contaminated include:

- number treatment sites
- service Stations
- disposal of wastes, controlled and uncontrolled
- scrap yards
- steep dips

What does it mean my land is contaminated?

It means your site has been entered on the register as a Contaminated Site History. This means the land use history has been confirmed as one that appears on the HAIL list.

[HERE](#) for more information about the HAIL list.

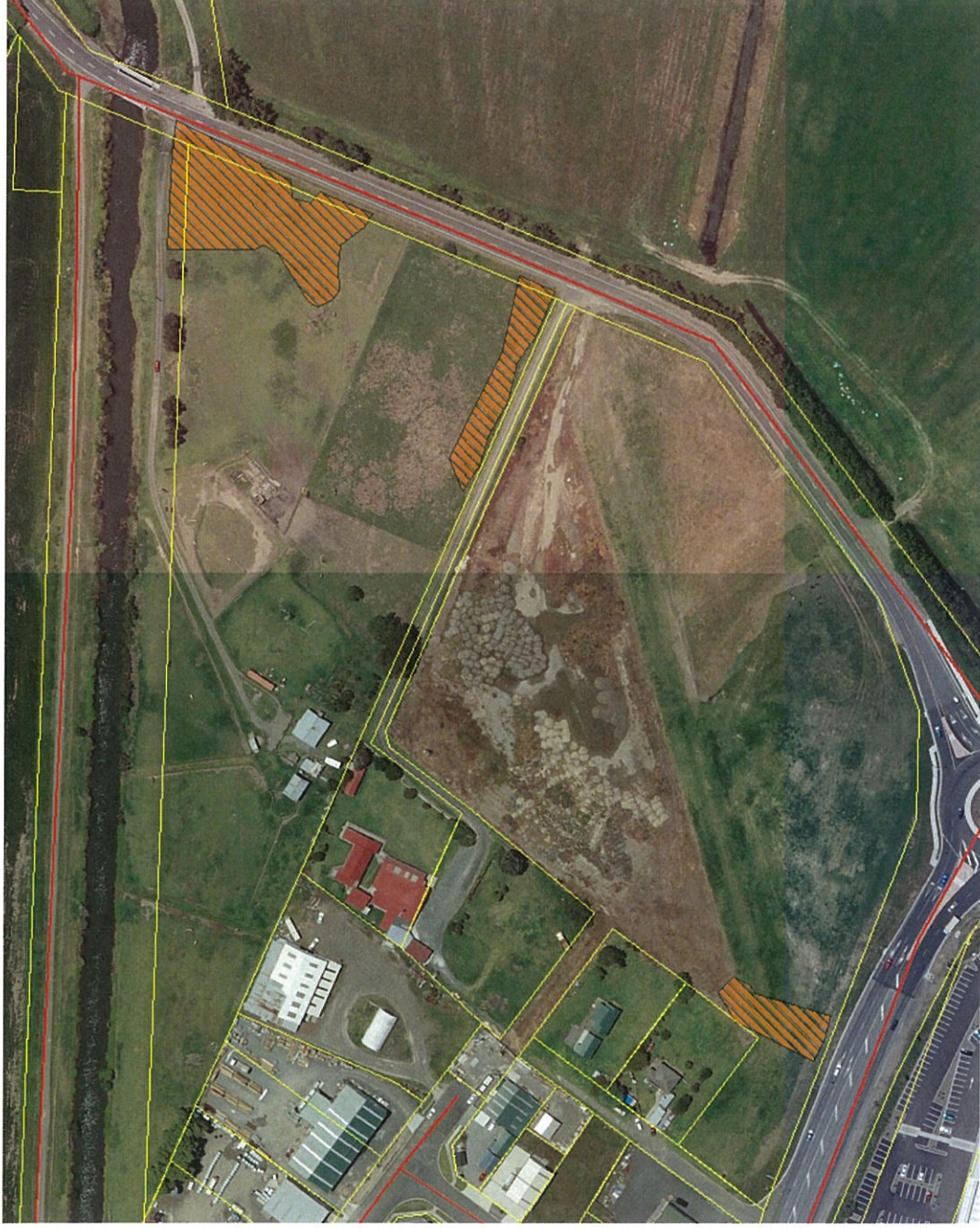
Limitations

This copyright work is licensed under the Creative Commons Attribution 3.0 New Zealand licence. In essence, you are free to copy, distribute and adapt the work, as long as you attribute the work to the Bay of Plenty Regional Council and abide by their licence terms. To view a copy of this licence, visit [here](#).

I want to...



Map 1 - Snipped extract from BOPRC Bay of Plenty Maps webpage showing registered HAIL sites. Note that only two of the contaminated sites are identified on this map



Map 2 – snipped from the Ngati Awa GIS Database which is informed by layers of information provided by BOPRC about pcp/dioxin contaminated sites



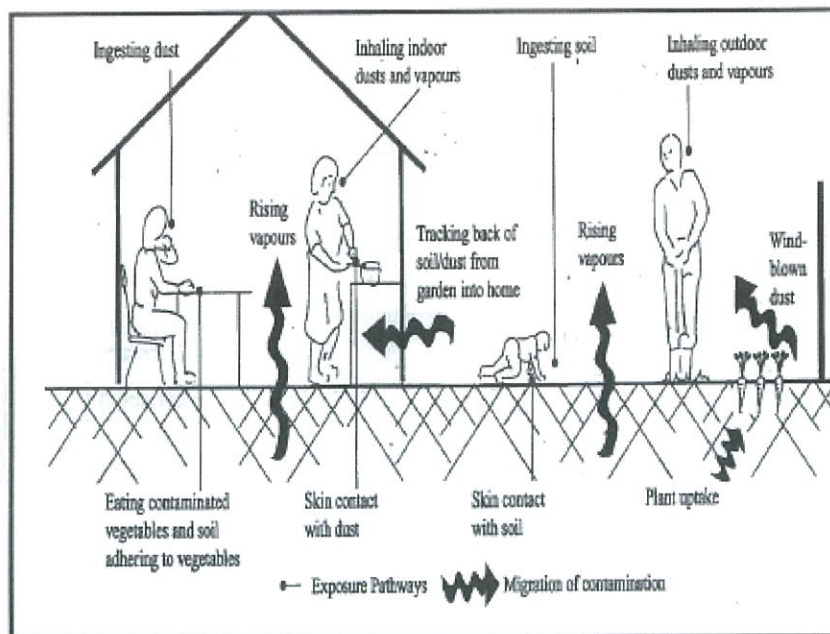
Joe Mann
 SAWMILL WORKERS AGAINST
 POISONING INC.



ENVIRONMENT B.O.P

DELINEATION & RISK ASSESSMENT MILL WASTE DISPOSAL SITES 24a & 24b - KEEPA ROAD

FINAL REPORT



- Project Management
- Landfill Management
- Waste Management & Disposal
- Landfill Restoration and Aftercare
- Contaminated Land Assessment
- Environmental Risk Assessment
- Assessment of Environmental Effects
- Environmental Site Audits
- Monitoring Strategy and Implementation
- Data Collection/Data Collation
- Results Analysis and Interpretation

NOVEMBER 2003

Gulf Resource Management Ltd

021882727 07 5442726 rob@gulf-management.co.nz

**GULF RESOURCE MANAGEMENT LIMITED
DELINEATION AND RISK ASSESSMENT
MILL WASTE DISPOSAL
FINAL REPORT**

EXECUTIVE SUMMARY

Properties 24a and 24b are used for grazing. The closest groundwater source is used for livestock watering. The site is bordered by Kopeopeo Canal to the north and Keepa Road to the east. The surrounding land use is a combination of light density housing and rural farm land.

The following scope of works was undertaken to achieve the project objectives:

- Site classification using the National Rapid Hazardous Assessment System for Contaminated Sites (MtE 1986)
- Source Delineation and Quantification using geophysics
- Site positional survey of geophysical measurements and main site features
- Pathway identification
- Receptor profiling
- Generic quantitative risk assessment
- Development of recommended remedial options
- Development of recommended additional investigations

This report has reached the following conclusions and recommendations:

The geophysical survey has approximated the waste footprint at this site to be in the order of 1900 square meters. The waste is covered by approximately 0.4 meters of ASH and TOPSOIL.

The waste at this site has been assumed to contain levels of PCP and dioxins that may be detrimental to human health if direct exposure were to result. The health impact will be dependant on factors such as frequency and duration of exposure, the concentration of the contaminant and health status of the person influenced. Additional former mill waste contaminants have not been assessed however there is a likelihood of other mill waste derived contaminants existing at this site.

Assumed PCP and dioxin contaminants within former mill wastes at this site in its present state are considered to pose no significant risk to human health as long as the waste remains covered with an adequate depth of overburden and undisturbed. No significant pathways were identified at the site in its present state between the waste encountered and human receptors.

Risk was calculated by Landcare Research using non site specific surface soil samples. It is recommended a precautionary composite surface sample of material overlaying the waste be analysed for dioxins and PCP and the results compared with the Landcare Research Ltd generic health investigation levels contained in this report.

Using a conservative scenario it is believed that groundwater directly beneath the site will contain elevated levels of Na-PCP. Na-PCP groundwater concentrations at the site boundary are estimated to be above international and New Zealand potable guideline values. This boundary is the canal and ground waters are inferred to be in continuity with the canal until otherwise proven.

Monitoring of surface waters and sediments for ultra low levels of Na-PCP from the adjacent canal is recommended in order to assess risk to surface waters. If significant contamination is detected then a restriction on the extraction and use of current and future surface waters should be implemented from the canal. This exclusion zone should be defined by the extent of any contamination detected.

[Handwritten signature]
GULF RESOURCE MANAGEMENT LIMITED

Remediation for **present site use** is considered unnecessary however, if significant levels of Na-PCP are detected in the sediments and surface water of the canal then remedial action should be reconsidered.

It is recommended that the waste deposit is detailed on all site plans and land information in the future. This area would be nominated as a "Sterilisation Zone" on which restrictions on land use, residential development, or subdivision is barred. This restriction would remain in place unless (a) further intrusive investigation proves the waste material site to be significantly below the worst case scenario developed for this report, or (b) site remediation is undertaken to a satisfactory standard.

Special precautions should also be taken during any earthworks at this site including the installation and maintenance of underground services. A specific health and safety plan and soil management plan should be considered as a minimum requirement for work within these zones.



SMALL WORKERS AGAINST
POSSIBLE



FIGURE 3

Site 24(a) and 24(b)
KEEPA ROAD

ENVIRONMENT BAY OF PLENTY
SITE INVESTIGATION
WHAKATANE

DATE RECEIVED	DATE	BY
Design		
Draw		
Check		
Approved		

DISCLAIMER
This plan may contain errors or omissions
due to the accuracy of the data used
in the survey.

GULF RESOURCE MANAGEMENT LTD
P.O. Box 100-8
P.O. Box 100
P.O. Box 100
P.O. Box 100

LYSAGHT CONSULTANTS LTD
100-100
100-100
100-100
100-100

Lysaght
GRM

Legend

- Domestic Residence
- Public Meeting Place
- Water Bore
- Auger Installation
- Shovel (S) (10-15 Meters)
- Soilcore Sample
- Fence Line

Overlay Legend

- Extent of mill waste defined by geophysical anomaly
- Area of possible mill waste requires physical verification