

Proposed Natural Resources Plan:

Submitter:

Kevin Tearney

Submitter Number:

S154

To: Freepost 3156
 Wellington Regional Council
 PO Box 11646
 Wellington 6142

Or email: regionalplan@gw.govt.nz

Your details

Full name: Kevin Tearney
 Organisation name: (If applicable) Personal submission. Not necessarily the view of my employer, AECOM NZ Ltd
 Address for Service: 1 Simia Crescent Khandallah Wellington 6035

Telephone no's: Work: 04 896 6035 Home: Cell: 029 496 3765

Contact person: Kevin Tearney

Address and telephone no (if different from above):

Electronic communication

Wellington Regional Council has a preference for providing information about the Proposed Natural Resources Plan via email. We will send you updates on the process, information and provide you with details of any meetings and the hearing. Please tick here if you do not agree to receive communication via email.

Email address: kevin.tearney@aecom.com

Trade competition

I/we could not gain an advantage in trade competition through this submission. [Go straight to **Your Submission**]

I/we could gain an advantage in trade competition through this submission.

If you could gain an advantage please complete one of the following:

I/we are directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

I/we are not directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

Your submission

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
5.4.6 Rule 146 Geotechnical investigation bore	Reasons for my submission: →	Chapter 2 page 23 defines a geotechnical investigation bore as ...'Any bore constructed to provide information about soil, sediment and rock.' Rule 146 allows construction of a geotechnical investigation bore as a permitted activity subject to conditions (a) to (d). Geotechnical bores are also often used to provide information on groundwater levels and sometimes quality. The definition does not include the collection of information on groundwater. The definition also does not include groundwater monitoring bore construction, intended primarily to provide information of groundwater quality, common for contaminated land investigations. It appears that construction of groundwater monitoring bores and geotechnical bores used

		for collecting groundwater information would not fall into the permitted activity category. These activities should be included under Rule 146 which should also allow for the development and sampling from the bores for testing of groundwater quality.
	I seek the following decision from WRC (give precise details): ➔	Groundwater monitoring bore construction, development and sampling should be included in the definition of geotechnical bore construction and included under Rule 146 which should also allow for the development and sampling from the bores for testing of groundwater quality.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number): Chapter 2, page 21 definition of contaminated land	My submission on this provision is: ➔	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: ➔	The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil) Regulations 2011 (NESCS) uses terms to define contaminated land based on HAIL activities 'being, has been or more likely than not' undertaken on a 'piece of land'. The 'piece of land' concept allows consideration of that part of a site subject to contaminating activities to be subject to controls, as opposed to legal parcel or general site which have large part unaffected by contamination.
	I seek the following decision from WRC (give precise details): ➔	I suggest that the definition of contaminated land be aligned with the NESCS so that consideration can be given to a 'piece of land' when considering if an activity is going to take place on a contaminated site.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number): Section 5.2.4 Contaminated Land Rule R54	My submission on this provision is: ➔	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: ➔	<p>Rule R54, which is permitted activity rule, appears to cover the investigation of hazardous substances in soil and discharges to air only. It does not appear to cover investigations of groundwater quality although Rule R55 seems to suggest that it does.</p> <p>It requires a copy of an assessment report to be provided to Council 'two months after completion of the assessment'. Two months is precise and for example would not allow an assessment to be submitted 6 weeks following the assessment.</p> <p>I note that for most PA activities under the NESCS including soil sampling for whatever purpose, there is no requirement to issue a report to the City/District Council.</p> <p>I note that the MfE guidance documents stated under (a) and (b) are dated (ie 2011) and that the Guideline No.5 is currently undergoing update.</p> <p>I note also that Guideline No.5 does not specially address the assessment of contamination discharges to air.</p> <p>Rule R54 is referenced in Rule R146. R146 covers geotechnical investigation boreholes which are defined as intended to investigate soil, sediment and rock.</p> <p>No information is provided about how the Council will manage the information provided; e.g will Council review reports, assess quality and provide feedback or sign off.</p> <p>Potential for poor quality information to be entered into Council data systems if quality control is lacking.</p>
	I seek the following decision from WRC (give precise details): ➔	<p>I suggest wording such as 'within 3 months of completion of the assessment'</p> <p>I suggest Council set out how Council will manage the information</p> <p>I suggest that documents be referenced such as 'the current edition of.'</p> <p>I suggest that the Rule around the investigation of groundwater be clearly set out. It could be included under R54. It does not appear to be covered in the current draft.</p>

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number): Section 5.2.4 Contaminated Land Rule R55/56	My submission on this provision is: ➔	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: ➔	<p>Rule R55(a) implies that discharges from contaminated land is a permitted activity only for those sites for which assessment reports are submitted to Council by 31 July 2017 (and meet (b)). Does this mean that discharges from site assessed after 31 July 2017 is discretionary activity?</p> <p>The inclusion of '90% species' associated with the NZ Drinking water standard is an error.</p>

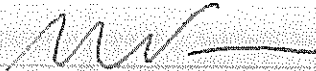
		<p>Condition (b) (i), which requires groundwater within a site to meet NZ Drinking Water Standards, does not seem reasonable, for example in cases where the water is not used and is unlikely to be used for drinking, the aquifer would not be capable of producing water for drinking etc. This condition could potentially require consents for many sites in the region for little benefit.</p> <p>Condition (b) (ii). What is the reason for mandating 95% species protection at existing bores or the property boundaries. This does not appear to be based on risk and will catch many sites where groundwater impact does not pose a risk to the environment.</p> <p>What is the meaning of 'where groundwater exits to surface'?</p> <p>I agree that site posing a risk to groundwater should be subject to controls through a robust consenting process, but this should be risk based.</p> <p>R56; Appears to be drafting error 'The use the land'. If this is meant to be 'The use of the land and discharge of contaminants onto or into land from contaminated land...' then the implication is that the land use needs to be consented</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>Clarity is sought regarding consenting status of sites subject to investigations post 31 July 2017.</p> <p>Condition (b) drafting error needs to be addressed.</p> <p>Requirement for consenting of sites should be risk based and not defined by meeting the NZ Drinking Water standards or ANZECC guidelines in bores on the site or the property boundaries.</p> <p>R56; Suggest that this is redrafted simply such as 'discharge from contaminated land including closed landfills that do not meet requirements under R54 and R55 is a discretionary (or restricted discretionary) activity.'</p>

If you have more submissions you wish to make, please find more boxes at the bottom of this document

Attendance and wish to be heard at hearing(s)

- I/We do wish to be heard in support of my/our submission
[Note: This means that you wish to speak in support of your submission at the hearing(s).]
- I/We do not wish to be heard in support of my/our submission
[Note: This means that you cannot speak at the hearing. However, you will still retain your right to appeal any decision made by the Wellington Regional Council to the Environment Court.]
- If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature:



Date: 9/9/15

[Person making submission or person authorised to sign on behalf of person making submission. NB. Not required if making an electronic submission]

Publication of details

Wellington Regional Council is legally required to notify a summary of submissions, including your name and address for service as provided on this submission form. Your name and address are included so that a person making a further submission is able to serve you with a copy of it.

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number): Rule 56	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	

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