

Appendix I: Table of submission points

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
349.4	Kim Robinson on behalf of Lochiel Farmlands Limited	Not Stated	Amend Rule 22.2.4 Hazardous substances, to replace the reference from "Appendix 6 (Hazardous Substances)" to "Appendix 5".	Rule 22.2.4 - hazardous substances appears to be a typo and should be Appendix 5 as is the Appendix for hazardous substances.	Accept	19.2
FS1386.496	Mercury NZ Limited for Mercury C	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	19.2
378.100	Fire and Emergency New Zealand	Oppose	Amend Rule 19.2.5 Hazardous Substances, as follows: (a) The use, storage or disposal of any hazardous substance where: (i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified for the Business Zone Tamahere in Table 6.1 contained within Appendix 5 (Hazardous Substances); (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017. (iii) <u>Rule 19.2.5(a) (i) excludes fire stations and associated fire service operations.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Fire and Emergency New Zealand opposes Rule 19.2.5 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Fire and Emergency New Zealand requests that fire stations and associated firefighting activities are excluded from Rule 19.2.5 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This	Reject	16.2

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				<p>would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labelling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in</p>		

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				it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.		
FS1035.207	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	16.2
378.104	Fire and Emergency New Zealand	Oppose	Amend Rule 20.2.6 Hazardous Substances, as follows: (a) The use, storage or disposal of any hazardous substance where: (i) the aggregate quantity of a hazardous substance of any hazard classification on a site is less than the quantity specified for the Industrial Zone in Table 5I contained within Appendix 5 (Hazardous Substances). (ii) <u>Rule 20.2.6 (a) (i) excludes fire stations and associated fire service operations.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Fire and Emergency New Zealand opposes Rule 20.2.6 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Fire and Emergency New Zealand requests that fire stations and associated firefighting activities are excluded from the Rule 20.2.6 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary	Reject	17.2

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				<p>household chemicals used on site. The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labelling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.</p>		
FS1035.211	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the	Reject	17.2

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				region.		
FS1388.69	Mercury NZ Limited for Mercury E	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	17.2
378.110	Fire and Emergency New Zealand	Oppose	<p>Amend Rule 21.2.6 Hazardous Substances, as follows: (a) The use, storage or disposal of any hazardous substance where: (i) the aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for the Heavy Industrial Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances). (ii) <u>Rule 21.2.6 (a) (i) excludes fire stations and associated fire service operations.</u> AND</p> <p>Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>Fire and Emergency New Zealand opposes Rule 21.2.6 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Fire and Emergency New Zealand requests that fire stations and associated firefighting activities are excluded from the Rule 21.2.6 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams</p>	Reject	18.2

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				<p>also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labelling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also</p>		

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				result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.		
FS1035.217	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	18.2
378.8	Fire and Emergency New Zealand	Support	Retain Objective 10.1.1 Effects of hazardous substances.	Fire and Emergency New Zealand supports the objective on the basis that residual risk associated with storage, use or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable.	Accept	5.2
FS1035.113	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Accept	5.2
FS1388.20	Mercury NZ Limited for Mercury E	Oppose	Null.	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	5.2
378.9	Fire and Emergency New Zealand	Support	Retain Policy 10.1.2 Location of new hazardous facilities.	Fire and Emergency New Zealand supports the policy on the basis that residual risk associated with storage, use or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable.	Accept in part	6.2
FS1035.114	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Accept in part	6.2
FS1388.21	Mercury NZ Limited for Mercury E	Oppose	Null.	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Reject	6.2

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				<p>management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
581.36	Penny Gallagher for Synlait Milk Ltd	Oppose	Delete Rule 21.2.6 Hazardous substances.	The inclusion of rules for hazardous substances in the Proposed District Plan duplicated legislation and offers no additional environmental protections to those already achieved through other regulations, such as in the Heavy Industrial Zone provisions where hazardous substances are anticipated.	Reject	18.2
FS1388.955	Mercury NZ Limited for Mercury E	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	18.2
FS1341.53	Hynds Pipe Systems Limited	Support	Null	<ul style="list-style-type: none"> This submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment 	Reject	18.2

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				by sensitive activities and proposal for residential re-zoning. • Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. • Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions.		
FS1134.82	Counties Power Limited	Support	Seeks that the submission point be allowed.	The removal of 21.2.6 is acceptable as the risk is appropriately managed via other legislation.	Reject	18.2
692.62	WEL Networks Limited	Support	Retain Policy 10.2.2 Managing the use of contaminated land.	Sets a clear direction for contaminated land in accordance with the NES.	Accept	9.2
692.61	WEL Networks Limited	Support	Retain Policy 10.1.4 Reverse sensitivity effects.	Sets a clear direction for hazardous facilities.	Accept in part	8.2
FS1387.369	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
692.60	WEL Networks Limited	Support	Retain Policy 10.1.3 Residual risks of hazardous substances.	Sets a clear direction for hazardous facilities.	Accept	7.2
692.59	WEL Networks Limited	Support	Retain Policy 10.1.2 Location of new hazardous facilities.	Sets a clear direction for hazardous facilities.	Accept in part	6.2

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FS1387.368	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	6.2
692.40	WEL Networks Limited	Support	Retain Objective 10.2.1 Contaminated Land.	The provision sets a clear direction for contaminated land in accordance with the NES.	Accept	8.8
692.39	WEL Networks Limited	Support	Retain Objective 10.1.1 Effects of Hazardous substances.	The provision sets a clear direction for hazardous facilities.	Accept	5.2
581.42	Penny Gallagher for Synlait Milk Ltd	Oppose	Delete Section 10.1 Hazardous Substances and its attendant Objective 10.1.1 and Policies 10.1.1.4; OR Amend Section 10.1 so that the objectives and policies in the Proposed District Plan only concern the management of the Hazardous Substances in highly sensitive environments such as Significant Natural Areas.	Inclusion of objectives and policies for hazardous substances in the Proposed District Plan duplicates legislation and offer not additional protections. This is particularly relevant in the Heavy Industry Zone where hazardous substances are anticipated.	Reject	5.2
FS1168.163	Horticulture New Zealand	Support	Accept submission.	HortNZ opposes the provisions in Ch 10 in part and supports the replacement or deletion of the provisions.	Reject	5.2
FS1388.957	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed,	Accept	5.2

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				<p>or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
FS1341.59	Hynds Pipe Systems Limited	Support	Null	<ul style="list-style-type: none"> This submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and proposal for residential re-zoning. Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions. 	Reject	5.2
749.49	Housing New Zealand Corporation	Oppose	Delete the term and the definition of "Hazard" in Chapter 13 definitions. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.	It is not clear why the term 'hazard' is included for a definition. The term can apply to a range of matters that is not included in the proposed definition such as natural hazards or hazards related to health & safety. There are definitions already provided for "hazardous facility", "hazardous substance" and "hazardous waste". The submitter considers it is not necessary to have a specific definition of "hazard" included in the Proposed District Plan.	Accept	10.13
FS1387.1012	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Reject	10.13

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				<p>management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
578.48	Ports of Auckland Limited	Not Stated	<p>Add exceptions to the definition of "Hazardous facility" in Chapter 13 Definitions as follows: Hazardous facility Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage includes vehicles for their transport located at a facility for more than short periods of time, <u>and excludes: fuel in mobile plant, motor vehicles, boats and small engines; and the temporary storage, handling and distribution of national or international cargo.</u> AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>The inland port operations are such they store hazardous substances within plant and machinery on the site. This needs to be recognised in the definition. Hazardous substances also travel through the freight hub regularly as part of cargo, break bulk and bulk cargo. Maximum dwell times for such cargo are less than one week. Significant cost and operational implications if the above matters are not excluded from the definition of hazardous facilities.</p>	Accept in part	10.10
FS1388.852	Mercury NZ Limited for Mercury E	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development</p>	Accept in part	10.10

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				<i>in the Waikato River Catchment is appropriate.</i>		
578.110	Ports of Auckland Limited	Support	Retain Objective 10.1.1 Effects of hazardous substances, as notified.	Support objective as notified.	Accept	5.2
578.111	Ports of Auckland Limited	Support	Retain Policy 10.1.2 Location of new hazardous facilities, as notified.	Support policy as notified.	Accept in part	6.2
FS1388.882	Mercury NZ Limited for Mercury E	Oppose	Null.	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	6.2
578.112	Ports of Auckland Limited	Support	Retain Policy 10.1.3 Residual risks of hazardous substances, as notified.	Support policy as notified.	Accept	7.2
FS1388.883	Mercury NZ Limited for Mercury E	Oppose	Null.	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	7.2
578.113	Ports of Auckland Limited	Support	Retain Policy 10.1.4 Reverse sensitivity effects, as notified.	Support policy as notified.	Accept in part	8.2
FS1388.884	Mercury NZ Limited for Mercury	Oppose	Null.	At the time of lodging this further submission,	Accept in part	8.2

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	E			<p>neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
578.3	Ports of Auckland Limited	Not stated	<p>Amend Rule 20.2.6 PI Hazardous Substances, as follows: (a) The use, storage or disposal of any hazardous substances <u>within a hazardous facility</u> where: (i) the aggregate quantity of a hazardous substances of any hazard classification on a site is less than the quantity specified for the Industrial Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances). OR Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions). AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>A clarification is required in Rule 20.2.6 PI to link the storage of hazardous substances to a hazardous facility, thereby ensuring that the corresponding policies that are contained with Chapter 10 of the Proposed District Plan are implemented.</p>	Reject	17.2
FS/388.834	Mercury NZ Limited for Mercury E	Oppose	Null.	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is</p>	Accept	17.2

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				<i>intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
578.4	Ports of Auckland Limited	Oppose	Amend Rule 20.2.6 D1 Hazardous Substances, from a discretionary activity to a restricted discretionary activity, as follows: <u>RD1 The use storage or disposal of any hazardous substances that does not comply with Rule 20.2.6 P1, P2 or C1. Council's discretion shall be restricted to the following matters: (i) the proposed operation and site layout; (ii) the separation distances from the receiving environment and other land uses; (iii) the degree and acceptability of residual risk; (iv) consideration of potential health and environmental hazards and exposure pathways arising from the proposed facility; (v) minimising potential cumulative risks including in conjunction with other nearby hazardous facilities; (vi) proposed emergency management planning; (vii) transport routes times and frequencies for the transport of hazardous substances on and off-site; (viii) waste management; (ix) compliance with relevant codes of practice and standards for specific materials/substances; (x) measures to minimise to mitigate potential adverse effects that may result from natural hazards; and (xi) the social and economic benefits of hazardous facilities.</u> OR Add a new section 20.6 within Chapter 20 Industrial Zone, specifically providing for the Horotiu Industrial Park (see Schedule 2 of the submission for specific provisions). AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.	Does not support a discretionary activity status for activities that do not comply with the permitted rules, and seeks a restricted discretionary activity status with respect to this matter.	Reject	17.2
FS1388.835	Mercury NZ Limited for Mercury E	Oppose	Null.	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to</i>	Accept	17.2

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				<i>designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
466.75	Brendan Balle for Balle Bros Group Limited	Oppose	No specific decision sought, but submission considers that hazardous substances are managed through existing legislation and the approach of the Proposed District Plan is over-regulation and unnecessary.	The justification in the s32 is inadequate.	Reject	4.1
466.64	Brendan Balle for Balle Bros Group Limited	Oppose	No specific decision sought but submission opposes in part Policy 10.1.3 Residual risks of hazardous substances and considers the Plan should avoid duplication of effort with existing legislation/regulation in managing residual risks from hazardous substances.	No reasons provided.	Reject	7.2
FS1388.431	<i>Mercury NZ Limited for Mercury E</i>	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	7.2
FS1302.16	<i>Mercer Airport</i>	Support	<i>Mercer Airport supports submission point 466.64 and seeks that the submission point is allowed.</i>	Agree that the provisions are not required to be replicated unnecessarily.	Reject	7.2
466.49	Brendan Balle for Balle Bros Group Limited	Oppose	No specific decision sought but submission considers that the provisions set out within the Plan should not duplicate requirements set out in the Hazardous Substances and New Organisms Act and in the Health and Safety at Work Regulations, 2017, and	The Plan should not duplicate the Hazardous Substances and New Organisms Act and the Health and Safety at Work Regulations 2017.	Reject	4.1

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			that the submitter 'opposes in part' Section 10.1 Hazardous substances.			
FS1388.424	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	4.2
FS1302.15	Mercer Airport	Support	Mercer Airport supports submission point 466.49 and seeks that the submission point is allowed.	Agree that the provisions are not required to be replicated unnecessarily.	Reject	4.2
FS1353.33	Tuakau Proteins Limited	Support	Null	TPL support the submission which states that the existing legislation of HSNO and the NESCS govern the location certification, management and detection of hazardous substances respectively.	Reject	4.2
466.17	Brendan Balle for Balle Bros Group Limited	Oppose	Delete Table 5.1 Activity Status Table - Permitted Activity Thresholds from Appendix 5 Hazardous Substances, in the context of opposing Rule 22.2.4 PI Hazardous Substances.	The submitter opposes the inclusion of a Table specifying quantities of hazardous substances for the Rural Zone. This is managed through existing legislation and this is an unnecessary additional level of regulation.	Reject	19.2
FS1388.408	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and	Accept	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
FS1302.14	Mercer Airport	Support	Mercer Airport supports submission point 466.17 and seeks that the submission point is allowed.	Agree that the provisions are not required to be replicated unnecessarily.	Reject	19.2
695.62	Sharp Planning Solutions Ltd	Neutral/Amend	Amend the definition for "Cumulative risk" in Chapter 13 Definitions to objectively state if it means other facilities on or off the site.	Use of the term "other facilities" is meaningless.	Accept in part	10.16
FS1387.317	Mercury NZ Limited for Mercury D	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	10.16
749.63	Housing New Zealand Corporation	Neutral/Amend	Amend the heading of the definition of "Use" in Chapter 13 Definitions to refer to "Hazardous use". AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.	The term "use" is too broad and should not be included in the definitions chapter. The definition provided with the term "use" should include the words "hazardous" as it relates more to "Hazardous Use" than in a general application of "use".	Reject	10.22
419.97	Jordyn Landers for Horticulture New Zealand	Neutral/Amend	Amend the Proposed District Plan to ensure the safe, responsible and appropriate storage and use of hazardous substances that does not require unnecessary compliance AND Amend the Proposed District Plan to incorporate an approach to managing hazardous substances that ensures most appropriate, effective and efficient methods are used for storage and use of hazardous substances, which are simple and clear, do not	There is a need to avoid duplication of the Hazardous Substances and New Organisms Act 1996. There is no consideration of specific provisions deemed necessary for Waikato District. The Activity Status Table approach is unworkable for horticulture growers. It does not implement best practice for management of hazardous substances. It is not required as a result of the Resource	Reject	4.1

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<p>duplicate the requirements under the Hazardous Substances and New Organisms Act 1996 and avoid confusion for users.</p> <p>AND</p> <p>Delete the use of Activity Status Tables or quantity trigger limits for the management of hazardous substances.</p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>	Management Amendment Act 2017. Activity status tables are not based on specific effects that may arise from the activity.		
419.105	Jordyn Landers for Horticulture New Zealand	Neutral/Amend	<p>Amend Rule 14.4.4(a) NC8 Non-Complying Activities as follows: Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line. The storage and handling of hazardous substances HSNO Classes 2-4 with explosive or intrinsic flammable properties in the National Grid Yard.</p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>	The identification of hazardous substances to be stored in the National Grid Yard should be defined by HSNO class. The classes for explosive or flammable properties are Class 2-4.	Reject	12.2
FS1342.110	Hilary Walker on behalf of Federated farmers	Support	Allow submission point 419.105.	The proposed amendments improve the clarity and certainty of the rules framework.	Reject	12.2
FS1350.88	Pauline Whitney on behalf of Transpower Limited	Support	Allow the submission point.	The submission point is supported.	Reject	12.2
419.123	Jordyn Landers for Horticulture New Zealand	Oppose	<p>Delete the definition of "Hazardous facility" from Chapter 13 Definitions.</p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>	The submitter does not consider that there is a need for a definition of "hazardous facility" given the approach that is sought for hazardous substances. The proposed definition would include a tractor or quad bike with a spray tank with agrichemicals as a hazardous facility and would hence make the whole farm a hazardous facility.	Reject	10.10
FS1342.94	Hilary Walker on behalf of Federated farmers	Support	Allow submission point 419.123.	FFNZ sought deletion of Chapter 10 and all associated provisions, and only sought amendment to rules and definitions in that chapter as a 2nd-order tier of relief.	Reject	10.10
FS1388.229	Mercury NZ Limited for Mercury E	Oppose	Null.	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects	Accept	10.10

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
419.138	Jordyn Landers for Horticulture New Zealand	Neutral/Amend	Amend the definition of "Storage" in Chapter 13 Definitions, as follows: Means in the context of a hazardous substance or hazardous waste, the containment of a hazardous substance or hazardous waste, either above ground or underground, in enclosed packages, containers or tanks. It includes vehicles used to transport any hazardous substance that are stationary within a hazardous facility for more than short periods of time. AND Any consequential or additional amendments as a result of changes sought in the submission.	The proposed definition would mean that a tractor or quad bike with a spray tank containing agrichemicals is a storage facility.	Reject	10.19
FS1342.103	Hilary Walker on behalf of Federated farmers	Support	Allow submission point 419.138.	For reasons stated by the submitter.	Reject	10.19
FS1388.234	Mercury NZ Limited for Mercury E	Oppose	Null.	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	10.19

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
419.139	Jordyn Landers for Horticulture New Zealand	Neutral/Amend	Amend the definition of "Use" in Chapter 13 Definitions, so that the application of agrichemicals and fertiliser is excluded. AND Any consequential or additional amendments as a result of changes sought in the submission.	The definition should specifically exclude the application of agrichemicals and fertilisers for the intended use. Applications of agrichemicals and fertilisers are managed by the Waikato Regional Council as discharges and Waikato District Council should not also be regulating them.	Reject	10.22
FS1342.104	Hilary Walker on behalf of Federated farmers	Support	Allow submission point 419.139.	For reasons stated by the submitter.	Reject	10.22
419.14	Jordyn Landers for Horticulture New Zealand	Oppose	Delete Appendix 5 Hazardous Substances and Table 5.1 Activity Status Table - Permitted activity thresholds. AND Delete references to Appendix 6 and Table 6.1 Activity Status Table in Rule 22.2.4 Hazardous Substances. AND Any consequential or additional amendments as a result of changes sought in the submission.	The submitter does not agree with the use of Activity Status Tables and seeks that Appendix 5 be deleted. Rule 22.2.4 references Table 6.1 in Appendix 6 which is assumed to be Table 5.1 in Appendix 5.	Reject	11.2
419.141	Jordyn Landers for Horticulture New Zealand	Oppose	No specific decision sought, however the submitter opposes the use of Activity Status Tables or quantity trigger limits for the management of hazardous substances.	There is a need to avoid duplication with the Hazard Substances and New Organisms Act 1996. There is no consideration of specific provisions deemed necessary for Waikato District. The Activity Status Table approach is unworkable for horticulture growers. It does not implement best practice for management of hazard substances. It is not required as a result of the Resource Management Amendment Act 2017.	Reject	11.2
419.143	Jordyn Landers for Horticulture New Zealand	Oppose	Amend the definition of "hazardous facilities" in Chapter 13: Definitions, as follows: Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage includes vehicles for their transport <u>locality at a facility for more than short periods of time. Storage and use does not include vehicles transporting hazardous substances for their intended use, such as agricultural spraying or application of fertiliser.</u> AND Any consequential or additional amendments as a	It is uncertain what a "short period of time" is and would make a whole farm or rural property a hazardous facility, as a vehicle may be used to transport agrichemicals or fertiliser for application.	Reject	10.10

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			result of changes sought in the submission.			
FS1388.235	Mercury NZ Limited for Mercury E	Oppose	Null.	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	10.10
466.1	Brendan Balle for Balle Bros Group Limited	Oppose	Delete the definition for "Hazardous Facility" from Chapter 13 Definitions.	<p>The submitter does not support the definition provided for a hazardous facility. The definition currently relates to both activities involving hazardous substances (with no quantification) and premises at which these substances are used, stored or disposed of, including vehicles for their transport located at a facility for more than 'short periods of time'.</p> <p>The submitter considers that the Council has likely tried to refer to terminology derived from the MfE HAIL; however, the way this definition is written makes no sense. Ultimately, the definition could include every quad bike and garage in the District. HSNO and the NESCS govern the location certification, management and detection of hazardous substances respectively. No definition for this is required in the District Plan.</p>	Reject	10.10
FS1168.100	Lynette Wharfe for Horticulture NZ	Support	Allow the submission	The submitter does not support the definition provided for a hazardous facility. The definition currently relates to both activities involving hazardous substances with no quantification, and premises at which these substances are used, stored or disposed of, including vehicles	Reject	10.10

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				for their transport located at a facility for more than 'short periods of time'. It is considered that the Council has likely tried to make reference to terminology derived from the MfE HAIL, however, the way this definition is written makes no sense. Ultimately the definition could include every quad bike and garage in the District. HSNO and the NES govern the location certification, management and detection of hazardous substances respectively. It is considered that no definition is required in the District Plan.		
1345.1105	Alice Barnett on behalf of Genesis Energy Limited	Support	Accept submission point in part.	Genesis supports the intent of the submission in so far as HSNO regulations provide the necessary regulation to manage hazardous substances. However, there may be reverse sensitivity policies relating to hazardous facilities that require definition.	Reject	10.10
1388.398	Mercury NZ Limited for Mercury E	Oppose	Null.	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.10
466.2	Brendan Balle for Balle Bros Group Limited	Neutral/Amend	Amend Policy 10.1.4 Reverse sensitivity effects to separate sensitive land use activities from areas where use and storage of hazardous substances is lawfully established.	The submitter supports locating hazardous substances remote from sensitive land use activities however does not support the current definition of hazardous facilities.	Reject	8.2
1388.399	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects	Accept	8.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
797.18	Fonterra Limited	Oppose	Delete Section 10.1 Hazardous Substances, comprising Objective 10.1.1 and Policies 10.1.2, 10.1.3 and 10.1.4. AND Any consequential amendments or further relief to give effect to the concerns raised in the submission.	Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council. The Proposed District Plan does not provide justification for inclusion of provisions.	Reject	5.2, 6.2
FS1168.164	Horticulture New Zealand	Support	Accept submission.	HortNZ opposes the provisions in Ch 10 in part and supports the replacement or deletion of the provisions.	Reject	5.2, 6.2
FS1387.1264	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	5.2, 6.2
81.231	Waikato Regional Council	Support	Retain Policy 10.2.2(b) Managing the use of contaminated land.	The use of 'human health and the environment' is supported as it aligns with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) and	Accept	9.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				section 31(1) (b) of the RMA.		
81.230	Waikato Regional Council	Neutral/Amend	Amend Objective 10.2.1.(a) Contaminated land as follows: (a)...contaminated land is <u>sustainably</u> managed to protect...	To enable a broader range of considerations when addressing contaminated site remediation and/or management propose amending the wording to include the word 'sustainably' to provide for, or encourage, sustainable remediation techniques and/or in-situ management. The submitter supports the use of human health and the environment as it aligns with National Environmental Standard for Contaminated Soil and section 31(1) (b) of the RMA.	Accept	8.8
81.229	Waikato Regional Council	Support	Retain Section 10.1 Hazardous Substances.	The objective and associated policies address issues around sensitive land uses, incompatible activities and the environment being properly separated from hazardous facilities, giving effect to WRPS Policy 14.4.	Accept	4.1
<i>FS1223.58</i>	<i>Mercury NZ Limited</i>	<i>Support</i>	<i>Null</i>	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure perspective. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	<i>Accept</i>	<i>4.1</i>
797.38	Fonterra Limited	Oppose	Delete Appendix 5 Hazardous Substances. AND Any consequential amendments or further relief to give effect to the concerns raised in the submission.	Control of hazardous substances is not a matter that requires RMA management.	Reject	11.2
<i>FS1198.51</i>	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Support</i>	<i>The submission point be allowed in full.</i>	<i>For the reasons given in the original submission.</i>	<i>Reject</i>	<i>11.2</i>

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
FSI168.211	Horticulture New Zealand	Support	Accept submission.	HortNZ supports deletion of Appendix 5 as other legislation is adequate to manage risks from use of hazardous substances.	Reject	11.2
FSI387.1276	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	11.2
797.27	Fonterra Limited	Oppose	Delete Rule 22.2.4 Hazardous substances. AND Any consequential amendments or further relief to give effect to the concerns raised in the submission.	The Resource Legislation Amendments Act 2017 amended RMA to remove hazardous substances as an explicit function of Council. The Plan does not provide justification for inclusion of provisions.	Reject	19.2
FSI342.224	Federated Farmers	Support	Allow submission point 797.27.	FFNZ support the submitter's relief as an alternative to its own relief sought for this rule.	Reject	19.2
FSI168.70	Horticulture New Zealand	Support	Allow the submission.	The Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council. The Plan does not provide justification for inclusion of provisions.	Reject	19.2
FSI387.1270	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk	Accept	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
785.10	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Retain Policy 10.2.2 - Managing the use of contaminated land, except for the amendments sought below AND Amend Policy 10.2.2 Managing the use of contaminated land as follows: Contaminated land is managed, <u>which may include remediation</u> , or remediated to ensure that contaminants are at a level acceptable for the proposed land use. ... d. Ensure that the use, subdivision and development of contaminated land management approaches include: Undertaking a site investigation of any land identified as actually or potentially contaminated, prior to any new subdivision or change of use of land, that could result in an increase in any adverse effects from the contamination of a piece of land; Remedial action plans; Site validation reports; Site management plans as appropriate for identifying, monitoring and managing contaminated land. AND Any consequential amendments or additional relief to give effect to the submission.	The submitter supports the inclusion of a contaminated land policy framework given the absence of objectives and policies within the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Any applications that may require consent pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health can therefore be assessed against the proposed policy provisions. The submitter understands that remediation is a form of management and seeks clause (a) be amended to reflect this. The submitter notes that a remedial action plan will only be required if necessary i.e. no remediation may actually be required/necessary for works on contaminated land. Remedial action plans can be considered in any event through clause (d)(iv). Therefore the submitter seeks the deletion of clause (d)(ii).	Accept in part	9.2
FS1168.177	Horticulture New Zealand	Support	Accept submission.	The amendments sought provide greater clarity.	Accept in part	9.2
785.49	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 20.2.6 - Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why	Reject	17.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>additional controls are required.</p> <p>The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource Management Act 1991 (RMA).</p> <p>The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of.</p> <p>The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST)</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>approach and to only retain controls relating to hazardous substances in close proximity to the National Grid.</p> <p>The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard.</p> <p>The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient.</p> <p>The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them".</p> <p>The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity".</p> <p>However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan.</p> <p>As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.</p>		
785.48	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 19.2.5 - Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where	Reject	16.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required.</p> <p>The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource management Act 1991 (RMA).</p> <p>The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of.</p> <p>The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use</p>		

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				<p>of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan. As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.</p>		
785.47	Z Energy Limited, BP Oil	Oppose	Delete Rule 18.2.5 - Hazardous Substances.	The proposed provisions are opposed and	Reject	15.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
	<p>NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'</p>		<p>AND Any consequential amendments or further relief to give effect to the submission.</p>	<p>the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required. The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource Management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances;</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of.</p> <p>The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid.</p> <p>The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard.</p> <p>The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient.</p> <p>The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan.</p> <p>As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.		
785.46	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 17.2.5.4 - Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	<p>The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required.</p> <p>The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The</p>	Reject	14.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of.</p> <p>The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances.</p> <p>The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient.</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity".</p> <p>However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan. As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered.</p> <p>No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits.</p> <p>The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over.</p> <p>In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.</p>		
785.45	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 16.2.5 - Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	<p>The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites.</p> <p>The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis.</p> <p>These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required.</p> <p>The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource Management Act 1991 (RMA).</p> <p>The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered</p>	Reject	13.1.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of. The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan. As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if</p>		

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				quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.		
FS1134.69	Counties Power Limited	Support	Seek that the submission point be allowed.	The removal of 20.2.6 is acceptable as the risk is appropriately managed via other legislation.	Reject	13.1.2
785.44	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Neutral/Amend	Amend Policy 10.1.4 - Reverse Sensitivity Effects as follows: <u>Separate Ensure that the expansion and value of existing and future investment by hazardous facilities is recognized by avoiding reverse sensitivity effects between</u> sensitive land use activities and lawfully established hazardous facilities; <u>Separate new hazardous facilities from existing sensitive land use activities; and</u> Avoid the storage, processing or disposal of hazardous waste in sensitive environments. AND Any consequential amendments or further relief to give effect to the submission.	The policy is supported in part subject to amending. The requirement for activities to be separated to a requirement for reverse sensitivity effects to be managed by avoidance and the deletion of clause (b) and (c). Reverse Sensitivity is not provided for in HSNO and/or Health and Safety legislation. It is considered appropriate for Council's to recognize and manage the potential reverse sensitivity effects that may be associated with the storage, use or disposal of hazardous substances. Policy 10.1.4 simply does this by requiring 'separation' between activities. Separation may be one means of managing reverse sensitivity effects but it may not be the only means. The policy should seek to avoid reverse sensitivity effects: to both recognize the value of the existing facilities and to provide for their future development. The storage, processing or disposal of hazardous	Accept in part	8.2

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				waste in sensitive environments is not considered appropriate in the context of reverse sensitive effects and therefore should be detailed from the policy.		
FS1345.62	Genesis Energy Limited	Support	Accept submission point in part.	For the reasons provided in the Oil Companies submission (reverse sensitivity is not provided for in HSNO and/or Health and Safety legislation).	Accept in part	8.2
785.43	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Policy 10.1.3 - Residual risks of hazardous substances. AND Any consequential amendments or further relief to give effect to the submission.	The submitter opposes Policy 10.1.3. The Policy generically requires that any facility for the storage or disposal of hazardous substances identifies and assesses adverse effect and risk. The Policy fails to recognize that the Council no longer has general functions in respect of the control of hazardous through the RMA, unless there is an identified regulatory gap to be addressed. RMA policy should focus on providing guidance for the assessment of resource consents - which in the context of hazardous substances management under the RMA should be very specific and properly justified through a Section 32 analysis.	Reject	7.2
FS1168.171	Horticulture New Zealand	Support	Accept submission.	Assessment of risks of hazardous substances is undertaken by EPA.	Reject	7.2
785.42	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Policy 10.1.2 Location of new hazardous facilities. AND Any consequential amendments or further relief to give effect to the submission.	Policy 10.1.2 is not supported by the submitter insofar as it generically focusses on the minimisation of risk of hazardous facilities, which is largely a matter for HSNO and the Health and Safety at Work Act. The Policy fails to focus on what additional controls on hazardous substance use (if any) are needed in the Proposed District Plan to address specific or potential environmental effects that are not covered by that other legislation. The adoption of the Policy is not justified by the Section 32 analysis. The policy fails to: - Address or recognise the issue of encroachment of sensitive activities; - Recognise that not all hazardous activities can be or need to be located away from sensitive activities, especially where the facility is part of a wider distribution network servicing the	Reject	6.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				public or where the potential risks of the hazardous activity can be appropriately managed. As an example, many service stations are located adjacent to residential development; - Recognize that the RMA is not a zero risk statute and that risk does not need to be avoided (i.e contained to within a site).		
FSI168.168	Horticulture New Zealand	Support	Accept submission.	The focus should be on storage of hazardous substances not hazardous facilities.	Reject	6.2
785.41	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Neutral/Amend	Retain Objective 10.1.1 Effects of hazardous substances, except for the amendments sought below AND Amend Objective 10.1.1 Effects of hazardous substances to recognise the benefits of the storage and disposal of hazardous substances, as follows: Residual risk associated with the storage, use, or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable, while recognizing the benefits of facilities storing, using or disposing of hazardous substances. AND Any consequential amendments or further relief to give effect to the submission.	The submitter supports Objective 10.1.1 but also seeks to amend it to recognize the benefits of the storage and disposal of hazardous substances. The submitter supports the objective to 'manage' risk to a level that is 'acceptable' in the context of the activity and the surrounding uses, and also support the intent to recognize the benefits of facilities using hazardous substances should be similarly recognized.	Accept in part	5.2
785.35	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete the definition for "cumulative risk" from Chapter 13: Definitions. AND Any consequential amendments or further relief to give effect to the submission.	In other submission points, the submitter seeks the deletion of Policy 10.1.3 as it is the only Policy which addresses "cumulative risk". In the absence of the Policy, it is not considered necessary to define the term "cumulative risk".	Reject	10.16
465.10	Buckland Marine Limited	Oppose	No specific decision sought, but submission opposes Rule 20.2.6 PI Hazardous substances AND Delete Table 5.1 Activity Status Table - Permitted Activity Thresholds, from Appendix 5 Hazardous Substances.	The submitter considers that Hazardous Substances are managed through existing legislation including the Hazardous Substances and New Organisms Act and through the Health and Safety at Work Regulations, 2017.	Reject	11.2, 17.2
FSI353.6	Tuakau Proteins Limited	Support	Null	TPL support this submission.	Reject	11.2, 17.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
FS1353.32	Tuakau Proteins Limited	Support	Null	TPL support this submission.	Reject	11.2, 17.2
419.96	Jordyn Landers for Horticulture New Zealand	Oppose	No specific decision sought, however the submitter opposes the approach to hazardous substances in the Proposed District Plan and seeks amendments to the provisions for hazardous substances. AND Any consequential or additional amendments as a result of changes sought in the submission.	It involves the introduction of regulations which is unnecessary as they are provided for under the HSNO and Health and Safety at Work regulations. The 2017 RMA Amendment Act deleted specific requirements for the Council to include control of hazardous substances in the Proposed District Plan. The section 32 report justified the approach by needing to provide for integrated management and to meet section 5 of the Act. Other existing regulations address the health and safety of communities and do not need to also be considered as proposed in the District Plan. The section 32 report considers the provisions that currently exist in the Franklin Section of the Waikato District Plan and also the Waikato Section. The Franklin Section has a lesser regulatory approach than the Waikato Section. There is no analysis that the Franklin approach has led to unacceptable outcomes in terms of managing hazardous substances in the Franklin area. The comments are limited to the provisions being of limited use and out-of-date. The submitter does not agree with the assessment as the Franklin provisions are more aligned with the Christchurch City Council approach. The assessment fails to take into account the costs that would be imposed on those located within the Franklin area by the imposition of a greater regulatory regime than currently exists. Activity status tables are a screening tool that sets thresholds over which consent would be required. The identification is not based on specific effects that may arise from the activity but on the premise that storage of specified quantities of hazardous substances, dependent on location, may have the potential to create adverse effects. The substances and quantities of hazardous substances that a grower may have in a	Reject	4.1

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				store can vary day to day etc. Growers do not purchase large quantities to hold in storage; therefore the time in storage tends to be short. They also purchase in response to a crop requirement or pest incursion which can vary season to season. Taking a stock take and doing the calculations to establish quantity limits for all hazard classifications could be out of date within days. Therefore it is impractical to continually update the calculations to ensure the Activity Status tables are met. The consideration that provisions should be aligned assumes that the Waikato Section approach is the most appropriate and does not give due consideration to the matters identified in the Christchurch decision, even though this was provided to the Council. Where there is a clear resource management issue that is not addressed by HSNO, then it would be appropriate to include specific provisions within the plan to address the issue.		
402.7	Tuakau Proteins Limited	Oppose	Delete Rule 20.2.6 Hazardous Substances. AND Any consequential amendments and/or additional relief to give effect to the concerns raised in the submission.	Tuakau Proteins Limited considers that hazardous substances should not be regulated under the District Plan. Sections 30 and 31 of the Resource Management Act have been amended to remove control of hazardous substances as an explicit function of councils. Consequential changes have also been made to the Hazardous Substances and New Organisms Act 1996 (HSNO) and Health and Safety at Work Act 2015 in light of this change. Tuakau Proteins Limited considers HSNO or Worksafe controls are adequate to address the environmental effects of hazardous substances in any particular case (including managing the risk of potential effects on the local environment).	Reject	17.2
<i>FS1388.140</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>	<i>Null</i>	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is</i>	<i>Accept</i>	<i>17.2</i>

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p><i>therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>		
785.8	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 28.2.5 - Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	<p>The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required. The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work</p>	Reject	25.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of.</p> <p>The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particular case. The submitter strongly</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan. As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.		
378.10	Fire and Emergency New Zealand	Support	Retain Policy 10.1.3 Residual risks of hazardous substances.	Fire and Emergency New Zealand supports the policy on the basis that residual risk associated with storage, use or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable.	Accept	7.2
<i>FS1035.115</i>	<i>Pareoranga Te Kata</i>	Support	<i>Obtain statement of performance expectation (SPE) to allow submission to be accepted.</i>	<i>Fire safety and fire prevention to undertake training activities for fire fighters within the region.</i>	Accept	7.2
367.16	Liam McGrath for Mercer Residents and Ratepayers Committee	Support	Retain Section 10.2 Contaminated Land.	No reasons provided.	Accept	8.8
330.98	Andrew and Christine Gore	Not Stated	No specific decision sought; however submission refers to Rule 23.2.4 Hazardous substances.	No reasons provided.	Reject	20.2
<i>FS1386.455</i>	<i>Mercury NZ Limited for Mercury C</i>	Oppose	<i>Null</i>	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</i> Mercury	Accept	20.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
330.85	Andrew and Christine Gore	Not Stated	No specific decision sought; however submission refers to Rule 22.2.4 Hazardous substances.	No reasons provided.	Reject	19.2
FS1386.450	Mercury NZ Limited for Mercury C	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	19.2
800.5	Environmental Management Solutions Limited	Oppose	Delete the definition of "hazardous facility" from Chapter 13 Definitions.	EMS does not support the definition provided for a hazardous facility The definition currently relates to both activities involving hazardous substances with no quantification, and premises at which these substances are used, stored or disposed of, including vehicles for their transport located at a facility for more than 'short periods of time'. Council has likely tried to refer to terminology derived from the MfE HAIL, however, the way this definition is written makes no sense. Ultimately, the definition could include every quad bike and garage in the District. HSNO and the NES govern the location certification, management and detection of hazardous substances	Reject	10.10

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				respectively.		
FS1387.1294	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	
FS1168.102	Horticulture New Zealand	Support	Allow the submission.	The submitter does not support the definition provided for a hazardous facility. The definition currently relates to both activities involving hazardous substances with no quantification, and premises at which these substances are used, stored or disposed of, including vehicles for their transport located at a facility for more than 'short periods of time'. It is considered that the Council has likely tried to make reference to terminology derived from the MfE HAIL, however, the way this definition is written makes no sense. Ultimately the definition could include every quad bike and garage in the District. HSNO and the NES govern the location certification, management and detection of hazardous substances respectively. It is considered that no definition is required in the District Plan.	Reject	
800.2	Environmental Management Solutions Limited	Neutral/Amend	Retain Policy 10.2.2 Managing the use of contaminated land, except for the amendments sought below. AND Amend Policy 10.2.2 (d) Managing the use of contaminated land, as follows: Ensure that the use, subdivision and development of contaminated land management approaches include <u>where appropriate</u> : ...	The submitter supports Policy 10.2.2 Managing the use of contaminated land but considers that the words "where appropriate" should be added to encourage the appropriate option to be adopted as required. Not all options identified will be required for each site.	Accept	9.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
800.1	Environmental Management Solutions Limited	Support	Retain Objective I0.2.1 Contaminated Land as notified.	Submitter supports the objective.	Accept	8.8
785.9	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Support	Retain Objective I0.2.1 - Contaminated Land as notified.	It is appropriate to recognise the potential adverse effects of the subdivision, use and development of contaminated land on both human health and the environment. The submitter supports the proposed approach to allow the activity status of activities involving contaminated or potentially contaminated land (i.e. HAIL sites) to be governed by the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health - rather than duplicating the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health within the Proposed District Plan rule framework.	Accept	8.8
785.1	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 21.2.6 - Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required. The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal,	Reject	18.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>or transportation of hazardous substances under sections 30 and 31 of the Resource management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of. The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan. As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.</p>		
FS1134.83	Counties Power Limited	Support	Seeks that the submission point be allowed.	The removal of 21.2.6 is acceptable as the risk is appropriately managed via other legislation.	Reject	18.2
378.14	Fire and Emergency New Zealand	Neutral/Amend	<p>Add a new definition for "non-hazardous gas", to provide clarity with regard to thresholds specified in Appendix 5. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>Provides clarity as to whether the volumes proposed in Appendix 5 are the compressed or uncompressed, e.g. BA cylinder (9L) at 300 Bar has approximately 2.6m³ of air. Definition is important to Fire and Emergency New Zealand as it will assist in determining whether the district plan provides for the storage of a sufficient amount of BA tanks at a station in a residential area. Fire and Emergency New Zealand will work with the Waikato District Council to agree to a wording for the definition as needed.</p>	Reject	10.7

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
FS1035.120	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	10.7
FS1388.25	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.7
639.9	Dairy NZ Incorporated	Neutral/Amend	Add "Agricultural Research Centre Campus" in Table 5.1 of Appendix 5 Hazardous Substances Activity Status Table - Permitted Activity Thresholds in the column for the Business, Business Town Centre, Business Tamahere, Industrial, Heavy Industrial, Hampton Downs Motor Sport and Recreation and Te Kowhai Airpark Zones.	In the Operative Waikato District Plan, Appendix H (Hazardous Substances) includes "Agricultural Research Centre Campus" and "Waikato Innovation Park" with the Industrial Zone in Table HTI (Permitted Activities by Zone). No corresponding provision for an "Agricultural Research Centre Campus" in Table 5.1 Activity Status Table - Permitted Activity Thresholds. Consequently, the more restrictive permitted activity thresholds from the underlying Rural zone would apply.	Accept	11.2
FS1387.63	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to	Reject	11.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
637.9	Livestock Improvement Corporation	Neutral/Amend	Add "Agricultural Research Centre Campus" in Table 5.1 of Appendix 5 Hazardous Substances Activity Status Table - Permitted Activity Thresholds in the column for the Business, Business Town Centre, Business Tamahere, Industrial, Heavy Industrial, Hampton Downs Motor Sport and Recreation and Te Kowhai Airpark Zones. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	In the Operative Waikato District Plan, Appendix H (Hazardous Substances) includes "Agricultural Research Centre Campus" and "Waikato Innovation Park" with the Industrial Zone in Table HTI (Permitted Activities by Zone). No corresponding provision for an "Agricultural Research Centre Campus" in Table 5.1 Activity Status Table - Permitted Activity Thresholds. Consequently, the more restrictive permitted activity thresholds from the underlying Rural zone would apply.	Accept	11.2
<i>FSI387.58</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>	<i>Null</i>	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	<i>Reject</i>	<i>11.2</i>
573.1	Peter Gilbert for LPG Association of New Zealand	Oppose	Delete the quantity limits for hazardous substances throughout the Proposed District Plan; AND Consequently amend the hazardous substances provisions to comply with the Resource Management Act so that they manage hazardous substances on a site specific basis, only when the Health and Safety at Work Act (2015) or the Hazardous Substances and New Organisms Act 1996 controls are considered insufficient. The sections affected include: Issues: Management of Hazardous Substances Section 32 Report: 5.3 - Objective - Hazardous Substances	The Resource Legislation Amendment Act (2017) made changes to how district plans deal with hazardous substances (sections 30 and 31) such that Council only place controls where they are necessary (i.e. not covered by HSNO or HSWA) in any particular case. As such, Table 5.1 and the imposition of general controls is not in accordance with the Resource Legislation Amendment Act (2017). The submission references the Ministry for the Environment - Resource	Reject	4.1

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			Chapter 10.1 - Hazardous substances Rules Appendix 05 - Table 5.1 - Activity status table - permitted activity thresholds.	Legislation Amendments 2017 - Fact sheet 2 and a copy of this is attached with the submission. The submission notes that the s32 report for the proposed waikato district plan mirrors that of Christchurch City Council where the Independent Hearings Panel required a revision be made to the s32 report as a part of an interim ruling. A copy of the decision made after the revised s32 report was undertaken is attached to the submission.		
FS1353.34	Tuakau Proteins Limited	Support	Null	TPL support this submission.	Reject	4.1
543.7	Fellrock Developments Limited and TTT Products Limited	Support	Retain Rule 20.2.6 Hazardous Substances; AND Retain Appendix 5 Hazardous Substances.	Supports the proposed volumes and weights of hazardous substances specified in Appendix 5, and they should not be reduced.	Accept	17.2
FS1388.753	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	17.2
463.5	Environmental Management Solutions Limited	Oppose	Delete the definition for "Hazardous Facility" from Chapter 13 Definitions.	The submitter does not support the definition provided for a hazardous facility. The definition currently relates to both activities involving hazardous substances with no quantification, and premises at which these substances are used, stored or disposed of, including vehicles for their transport located at a facility for more than 'short periods of time'. It is considered that the Council has likely tried to make reference to	Reject	10.10

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				terminology derived from the MfE HAIL, however, the way this definition is written makes no sense. Ultimately the definition could include every quad bike and garage in the District. HSNO and the NES govern the location certification, management and detection of hazardous substances respectively. It is considered that no definition is required in the District Plan.		
FS1089.3	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Support	Support submission point 463.5.	<i>The Oil Companies did not submit on the definition of 'hazardous facility,' however, submissions were made on the objectives, policy and rule framework for 'hazardous substances' (785.1-785.11). The deletion of the definition of 'hazardous facility' is considered appropriate for the reasons stated in the submission and in the Oil Companies' rational for the deletion of the hazardous substances provisions from the Proposed Waikato District plan, as summarised: HSNO and other relevant legislation appropriate address 'hazardous facilities'; No identification of 'premises' at which hazardous substances are used, stored or disposed of are considered to be 'hazardous facilities'; No quantification of what constitutes a 'hazardous facility'; and No definition is required in light of the Oil Companies submission to delete the relevant framework from the Proposed Waikato District Plan. Therefore, the Oil Companies support the approach by the submitter to delete the definition of 'hazardous facilities' from Chapter 13 of the Proposed Waikato District Plan.</i>	Reject	10.10
FS1388.373	Mercury NZ Limited for Mercury E	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include</i>	Accept	10.10

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
FS1168.100	Horticulture New Zealand	Support	Allow the submission.	The submitter does not support the definition provided for a hazardous facility. The definition currently relates to both activities involving hazardous substances with no quantification, and premises at which these substances are used, stored or disposed of, including vehicles for their transport located at a facility for more than 'short periods of time'. It is considered that the Council has likely tried to make reference to terminology derived from the MfE HAIL, however, the way this definition is written makes no sense. Ultimately the definition could include every quad bike and garage in the District. HSNO and the NES govern the location certification, management and detection of hazardous substances respectively. It is considered that no definition is required in the District Plan.	Reject	10.10
463.2	Environmental Management Solutions Limited	Neutral/Amend	Retain Policy 10.2.2 Managing the use of contaminated land, except for the amendments sought below AND Amend Policy 10.2.2 (d) Managing the use of contaminated land, as follows: Ensure that the use, subdivision and development of contaminated land management approaches include <u>where appropriate</u> : ...	The submitter supports the Policy but considers that the words "where appropriate" should be added to encourage the appropriate option to be adopted as required. Not all options identified will be required for each site.	Accept	9.2
463.1	Environmental Management Solutions Limited	Support	Retain Objective 10.2.1 Contaminated land, as notified.	The submitter supports this objective.	Accept	8.8
378.24	Fire and Emergency New Zealand	Oppose	Add a clause to Rule 16.2.5 Hazardous substances, as follows: 16.2.5 Hazardous substances (a) The use, storage or disposal of any hazardous substance where: (i) the aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified in the Residential zone in Table 5.1 contained within Appendix 5 (Hazardous	Fire and Emergency New Zealand opposes Rule 16.2.5 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and	Reject	13.1.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<p>Substances). (ii) <u>16.2.5(a)(i) excludes the fire stations and associated fire service operations.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>Emergency New Zealand's ability to operate as effectively as needed. Fire and Emergency New Zealand's recent firefighting chemicals work has highlighted a number of challenges and limitations with the way the hazardous substances rules are written in district plans. Therefore, Fire and Emergency New Zealand requests that fire stations and associated firefighting activities are excluded from the permitted activity Rule 16.2.5 for the following reasons: The 8.3 Classification (Table 5.1 contained with Appendix 5-Hazardous substances) has only a 50L/kg limit in residential zones, and is quite low in other areas- lots of household products are eye corrosives from dishwashing powder to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or any of these chemicals on site, as a 50kg limit would be largely taken up by ordinary household chemicals used on site. The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, the higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example is Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, Fire and Emergency New Zealand may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent further harm.		
FS1035.130	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	13.1.2
FS1388.29	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for	Accept	13.1.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>all land use and development in the Waikato River Catchment is appropriate.</i>		
419.80	Jordyn Landers for Horticulture New Zealand	Neutral/Amend	Amend Policy 10.1.4(a) Reverse sensitivity effects, as follows: (a) Separate sensitive land use activities from areas where use and storage of hazardous substances <u>is</u> lawfully established hazardous facilities; AND Any consequential or additional amendments as a result of changes sought in the submission.	The policy relating to reverse sensitivity effects is supported to the extent that sensitive land use activities be separated from areas where hazardous substances are used. However, the policy is contingent on the definition of "hazardous facility" which the submitter considers to be inappropriate.	Reject	8.2
378.81	Fire and Emergency New Zealand	Neutral/Amend	Amend the thresholds within Appendix 5 Hazardous Substances, as follows: More permissive levels for 8.3; More permissive levels for 8.3A; To better recognise that fire retardants come in different forms, including as solids rather than liquids, powders and foams, and this alters the applicable thresholds, To provide for the temporary storage of chemicals necessary for providing an emergency response. AND/OR Amend Appendix 5 Hazardous Substances in recognition that the provisions of the Hazardous Substances and New Organisms Act (HSNO) and Health and Safety at Work Act are adequate to manage risks in this regard, without an overlapping district plan framework. OR Delete Appendix 5 Hazardous Substances in recognition that the provisions of the Hazardous Substances and New Organisms Act (HSNO) and Health and Safety at Work Act are adequate to manage risks in this regard without an overlapping District Plan framework. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Fire and Emergency New Zealand supports in part Appendix 5 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that thresholds within Appendix 5 for some zones will trigger the need for consent, which could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Therefore, Fire and Emergency New Zealand requests that the thresholds within Appendix 5 be amended as follows: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The 8.3A classification is for eye corrosion.	Reject-Accept in part	11.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment. 2018 amendments to sections 30 and 31 of the RMA removed control of hazardous substances as an explicit function of council as the provisions of HSNO and Health and</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				Safety at Work are adequate to managed risks, for the most part.		
FS1035.188	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject-Accept in part	11.2
FS1168.209	Horticulture New Zealand	Support	Accept submission to delete App5.	HortNZ supports deletion of Appendix 5 as other legislation is adequate to manage risks form use of hazardous substances.	Reject-Accept in part	11.2
FS1353.31	Tuakau Proteins Limited	Support	Null	TPL agree that the provisions of the Hazardous Substances and New Organism Act (HSNO) and Health and Safety at Work Act are enough to control hazardous substances.	Reject-Accept in part	11.2
FS1388.57	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept- Accept in part	11.2
419.79	Jordyn Landers for Horticulture New Zealand	Neutral/Amend	Amend Policy 10.1.3 (a) Residual risks of hazardous substances, as follows: (a) Facilities for the The use, storage or disposal of hazardous substances shall identify and assess potential adverse effects (including cumulative risks and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment. AND Any consequential or additional amendments as a result of changes sought in the submission.	The policy sets out considerations that are required for use, storage or disposal of hazardous substances that are required under other regulations. However, it should apply to the use, storage or disposal of hazardous substances and not be limited to 'facilities'.	Reject	7.2
FS1388.214	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects	Accept	7.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
419.78	Jordyn Landers for Horticulture New Zealand	Oppose	Amend Policy 10.1.2 Location of new hazardous facilities, as follows: (a) New hazardous facilities to store hazardous substances minimise the risk to the environment (including people and property) to acceptable levels by: ... AND Any consequential or additional amendments as a result of changes sought in the submission.	The submitter opposes the approach in Policy 10.1.2 because of the definition of hazardous facility that includes vehicles for the transport of hazardous substances located at a facility for more than short periods of time. It is uncertain what a short period of time is and would make a whole farm of rural property a hazardous facility as a vehicle may be used to transport agrichemicals or fertiliser for application. The application of the policy to such use of hazardous substances is inappropriate. The policy should only apply to new facilities to store hazardous substances, excluding vehicles.	Accept in part	6.2
FS1388.213	Mercury NZ Limited for Mercury E	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	6.2
419.77	Jordyn Landers for Horticulture New Zealand	Support	Retain Objective 10.1.1 Effects of hazardous substances, as notified.	The objective is very similar to the objective in the Christchurch decision.	Accept	5.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
FS1388.212	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	5.2
419.16	Jordyn Landers for Horticulture New Zealand	Neutral/Amend	Amend Rule 22.2.4 D1 Hazardous substances to become a restricted discretionary activity rather than a discretionary activity. AND Any consequential or additional amendments as a result of changes sought in the submission.	The default rule if Rule 22.2.4PI is not met is a discretionary activity. The submitter considers that a discretionary activity is inappropriate if the thresholds in Table 5.1 are not met. There should be a restricted discretionary rule with clear matters of discretion to be assessed specifically related to meeting the policies in the plan for activities where there is a clear resource management reasons for specific controls.	Reject	19.2
FS1388.179	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	19.2
419.15	Jordyn Landers for	Oppose	Delete Rule 22.2.4 PI Hazardous Substances	The use, storage or disposal of hazardous	Reject	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
	Horticulture New Zealand		AND Add a replacement Rule 22.2.4 PI Hazardous Substances, as follows: <u>The use, storage or disposal of any hazardous substance is permitted.</u> AND Any consequential or additional amendments as a result of changes sought in the submission.	substances should be permitted unless there are specific resource management reasons why specific rules and controls should be included.		
FS1342.111	Federated Farmers	Support	Allow submission point 419.15.	FFNZ support the submitter's relief as an alternative to its own relief sought for this rule for the same reasons as the FFNZ submission on this rule.	Reject	19.2
378.92	Fire and Emergency New Zealand	Oppose	Amend Rule 18.2.5 Hazardous substances, as follows: (a) The use, storage or disposal of any hazardous substances where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Town Centre Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances). (ii) <u>Rule 18.2.5 (a) (i) does not apply to fire stations and associated fire service operations.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Fire and Emergency New Zealand opposes Rule 18.2.5 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Fire and Emergency New Zealand therefore requests that fire stations and associated firefighting activities are excluded from the permitted activity Rule 18.2.5 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The	Reject	15.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.</p>		
FS1035.199	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	15.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
FS1388.64	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	15.2
378.84	Fire and Emergency New Zealand	Oppose	Amend Rule 17.2.5.4 PI Hazardous Substances, as follows: 17.2.5.4 PI Hazardous Substances (a) The use, storage or disposal of any hazardous substances must meet the following conditions: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances). (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purpose, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017. (iii) Rule 17.2.5.4 (a) (i) excludes fire stations and associated fire service operations. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Fire and Emergency New Zealand opposes Rule 17.2.5.4 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. As such, Fire and Emergency New Zealand requests that the fire stations and associated firefighting activities are excluded from the permitted activity Rule 17.2.5.4 for the following reasons: The 8.3 Classification (Table 5.1 contained within Appendix 5) (Hazardous Substances)) has a relatively low limit in the Business Zone, and is quite low in other areas-lots of household products are eye corrosives from dishwashing powder to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and	Reject	14.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>Emergency New Zealand need a resource consent to hold a small amount or any of these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The 8.3A Classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, the higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, Fire and Emergency New Zealand may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				bring in the necessary products to resolve the issue and prevent harm to people or the environment.		
FSI035.191	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	14.2
FSI388.59	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	14.2
378.78	Fire and Emergency New Zealand	Oppose	Amend Rule 28.2.5 Hazardous substances, as follows: (a) The use, storage or disposal of any hazardous substances where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rangitahi Peninsula Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances); and (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017. (iii) <u>Rule 28.2.5 (a) (i) excludes fire service operations.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Fire and Emergency New Zealand opposes Rule 28.2.5 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Therefore, Fire and Emergency New Zealand requests that the fire stations and associated firefighting activities are excluded from Rule 28.2.5 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents	Reject	25.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site.</p> <p>The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.		
FS1035.185	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	25.2
378.75	Fire and Emergency New Zealand	Oppose	Amend Rule 27.2.11 Hazardous Substances, as follows: (a) In ALL PRECINCTS, the use, storage or disposal of any hazardous substance where: (i) The aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for Te Kowhai Airpark Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances); (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017. (iii) Rule 27.2.11 (a) (i) excludes fire service operations. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Fire and Emergency New Zealand opposes Rule as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Therefore, Fire and Emergency New Zealand requests fire stations and associated firefighting activities are excluded from Rule 27.2.11 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a	Reject	24.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.</p>		
FS1035.182	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	24.2
FS1339.174	NZTE Operations Limited	Support	NZTE seeks that this submission be allowed.	NZTE supports the amendment sought by Fire and Emergency on the grounds that water supply for firefighting purposes is appropriate	Reject	24.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>at an airpark development. This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission</i>		
378.48	Fire and Emergency New Zealand	Oppose	<p>Amend Rule 24.2.5 Hazardous Substances, as follows: (a) The use, storage or disposal of any hazardous substances where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Residential Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances) <u>(ii) Rule 24.2.5 (a) (i) excludes fire stations and associated fire service operations.</u></p> <p>AND</p> <p>Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>Fire and Emergency New Zealand opposes Rule 24.2.5 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances as quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Fire and Emergency New Zealand requests fire stations and associated firefighting activities are excluded from the permitted activity Rule 24.2.5 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that</p>	Reject	21.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.</p>		
FS1035.154	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	21.2
FS1388.44	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is	Accept	21.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p><i>necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>		
378.41	Fire and Emergency New Zealand	Oppose	<p>Amend Rule 23.2.4 Hazardous Substances, as follows: (a) The use, storage or disposal of any hazardous substance where: (i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified for the Country Living Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances); and (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017. (iii) <u>Rule 23.2.4 (a) (i) excludes fire stations and associated fire service operations.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>Fire and Emergency New Zealand oppose Rule 23.2.4 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Fire and Emergency New Zealand request that fire stations and associated firefighting activities should be excluded from the Rule 23.2.4 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard</p>	Reject	20.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.</p>		
FS1035.147	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	20.2
FS1388.40	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Accept	20.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
378.33	Fire and Emergency New Zealand	Oppose	<p>Amend Rule 22.2.4 Hazardous substances, as follows: 22.2.4 Hazardous substances (a) The use, storage or disposal of any hazardous substances where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site less than the quantity specified for the Rural Zone in Table 6.1 contained within Appendix 5 (Hazardous Substances). (ii) Rule 22.2.4 (a) (i) excludes fire stations and associated fire service operations. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>Fire and Emergency New Zealand opposes Rule 22.2.4 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Fire and Emergency New Zealand requests that fire stations and associated firefighting activities are excluded from Rule 22.2.4 for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site.</p>	Reject	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>The 8.3A classification is for eye corrosion. A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.</p>		
FS1388.35	Mercury NZ Limited for Mercury E	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is	Accept	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
FS1035.139	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	19.2
81.232	Waikato Regional Council	Neutral/Amend	Amend Policy 10.2.2(d) Managing the use of contaminated land as follows: (d)Ensure that the use, subdivision and development of contaminated land management approaches contaminated land management approaches associated with the use, subdivision and development of actually or potentially contaminated land include:...	The National Environmental Standard for Contaminated Soil provides a framework for the management of contaminated sites, and Implementation Method 14.4.1 of the WRPS requires that District Plans shall include provisions that support the implementation of the National Environmental Standard for Contaminated Soil. To clarify the intent of Policy 10.2.2(d) the wording should be rewritten.	Reject-Accept	9.2
FS1168.175	Horticulture New Zealand	Oppose	Reject submission.	Inclusion of potentially contaminated land is inconsistent with the NES.	Accept-Reject	9.2
680.119	Federated Farmers of New Zealand	Oppose	Delete Chapter 10 - Hazardous substances. AND Replace with an advice note which states that it is no longer a district council function to control any actual or potential effects of the use, development, or protection of land, for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances. Hazardous substances are adequately managed by the Hazardous Substances and New Organisms Act (HSNO) and there is no need for further regulation in the Waikato District Plan. AND Any consequential changes needed to give effect to this relief.	Federated Farmers is strongly opposed to these hazardous substance provisions and recommends they be replaced with a framework that recognises hazardous substances are already adequately managed by the Hazardous Substances and New Organisms Act 1996 ("HSNO") and there is no need for further regulation in the District Plan. HSNO already provides a comprehensive and far reaching regulatory framework for managing hazardous substances. The Health and Safety at Work Act 2015 also provides regulatory controls that users and handlers of hazardous substances must be appropriately trained and certified. The Council is unnecessarily duplicating existing regulation for no	Reject	4.1

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				additional benefit; there is also a risk that Council regulation will be inconsistent. FFNZ has provided alternative relief sought in response to the notified Objective and policies below. However, this is in the interests of being thorough rather than accepting of the ultra vires approach.		
FSI168.162	Horticulture New Zealand	Support	Accept submission.	HortNZ opposes the provisions in Ch 10 in part and supports the replacement or deletion of the provisions.	Reject	4.1
FSI387.184	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	4.1
680.120	Federated Farmers of New Zealand	Oppose	Amend Objective 10.1.1 Effects of hazardous substances, as follows: (a) Residual risk associated with the storage, use, or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable, while recognising the benefits of facilities using hazardous substances. AND Any consequential changes needed to give effect to this relief.	The risk management approach of the Objective is supported. Primary producers rely on a number of hazardous substances for everyday operations and as such it is vital that farming and horticulture can continue to use and store necessary hazardous substances without being captured by unnecessary land use controls. It is considered the proposed Objective is inappropriately focused on the benefit of the 'facilities' rather than the benefits of using hazardous substances. There is also some concern with the proposed definition of Hazardous Facility. A separate submission point will address this issue under Chapter 13.	Reject	5.2
FSI168.165	Horticulture New Zealand	Support	Accept submission.	The focus should be on hazardous substances not hazardous facilities.	Reject	5.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
680.121	Federated Farmers of New Zealand	Oppose	Amend Policy 10.1.2 (a) Location of new hazardous facilities, as follows: (a) New hazardous facilities minimise the risk to the environment (including people and property) to acceptable levels by: (i) Siting new hazardous facilities in appropriate locations that are separated from incompatible activities such as sensitive land use and infrastructure and environment ; (ii) Avoid locating near to sensitive land use activities and infrastructure (iii) Designing, constructing and operating hazardous facilities in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be avoided, remedied or mitigated a contained within the site ; and (iv) Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place. AND Any consequential changes needed to give effect to this relief.	The intention of this policy is understood, however there appears to be unnecessary duplication in parts and it needs to be re-phrased to be clearer and more precise. Issues with the definition of Hazardous Facility will be addressed in a submission point related specifically to the definitions chapter.	Accept in part	6.2
FS1168.166	Horticulture New Zealand	Support	Accept in part submission.	The focus should be on storage of hazardous substances not hazardous facilities.	Accept in part	6.2
FS1387.185	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	6.2
680.122	Federated Farmers of New Zealand	Oppose	Retain Policy 10.1.3 Residual risks of hazardous substances as notified (if the definition of Hazardous facility is amended as per amendments sought, as outlined in a separate submission point): OR Amend Policy 10.1.3 Residual risks of hazardous substances as follows: (a) Facilities for the use,	The submitter considers the all-encompassing nature of the Hazardous Facility definition renders this policy ineffective and inappropriate. A garden shed or storage cupboard in the laundry or garage would meet the definition of hazardous facility and as such trigger the	Reject	7.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<p>storage, or disposal of hazardous substances shall identify and assess potential adverse effects (including cumulative risks and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment. <u>Promote better understanding of the potential adverse effects of the use, storage or disposal of hazardous substances, and the methods and controls for avoiding remedying or mitigating such effects.</u> (b) <u>Establish thresholds of acceptable risks from the use, storage, transportation and disposal of hazardous substances on the health and safety of people, and the environment.</u> (c) <u>To provide for the manufacture, storage, use, disposal and transportation of hazardous substances in accordance with industry protocols and regulations established under the Hazardous Substances and New Organisms Act 1996.</u></p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p>	<p>requirement for a user of garden sprays to identify and assess adverse effects to prevent unacceptable levels of risk to human health, safety, property and the natural environment. It is acknowledged from the Section 32 report that this is not Council's intention, and seeks the suggested amendments to remedy the presumed drafting error. The Section 32 report lists on page 3 the additional situations where supplementary controls over and above those imposed by the HSNO Act or other statutes may be necessary including managing the effects of hazardous facilities on sensitive land uses and cumulative effects from multiple facilities. The purpose of the proposed policy in this suite is to manage adverse effects and risks but it has a significantly wider reach than that and is unmanageable in its present form. The proposed new policy 10.1.3 (b) provides the necessary policy support for the activity list approach for Rule 22.2.4.</p>		
FS1089.12	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Oppose Submission point 680.122.	<p><i>The Oil Companies sought deletion of Policy 10.1.3 from the Proposed Waikato District Plan (785.43). The policy, as drafted, generically requires that any facility for the storage or disposal of hazardous substances identified and assess adverse effect and risk. It is considered, as identified in the Oil Companies primary submission, the policy fails to recognise that the Council no longer has general functions in respect to the control of hazardous substances through the RMA 1991, unless there is an identified regulatory hap to be addressed.</i></p> <p><i>As identified in the Oil Companies original submission, there is no robust section 32 analysis provided to justify the Policy. Therefore, the Oil Companies oppose the retention of Policy 10.1.3 and the alternative amendments proposed by the submitter and continue to seek the deletion of the proposed hazardous substances rule framework as sought through the Oil Companies' primary submissions.</i></p>	Reject	7.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
FS1168.169	Horticulture New Zealand	Support	Accept in part submission.	The focus should be on storage of hazardous substances not hazardous facilities.	Reject	7.2
FS1387.186	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
680.123	Federated Farmers of New Zealand	Neutral/Amend	Delete Policy 10.1.4 (b) and (c) Reverse sensitivity effects: AND Any consequential changes needed to give effect to this relief.	The purpose of proposed Policy 10.1.4 is to meet reverse sensitivity effects, however in the submitter's view, (b) is already addressed by Policy 10.1.2 (a) (i) and includes risk management issues which would be addressed under Policy 10.1.3.	Accept	8.2
FS1387.187	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	8.2
680.124	Federated Farmers of New Zealand	Neutral/Amend	Amend Objective 10.2.1(a) Contaminated land, as follows: (a) The subdivision, use and development of contaminated land is managed to protect human health and the environment from unacceptable risk.	It is important for the Objective to be clear about the issue which is trying to be addressed and what the plan seeks to achieve. In this case it is about protecting	Accept	8.8

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			AND Any consequential changes needed to give effect to this relief.	human health and the environment from unacceptable risk of harm caused by the subdivision, use and development of contaminated land.		
FS1089.4	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Support	Support submission point 680.124.	The Oil Companies sought the retention of Objective 10.2.1 Federated Farmers of New Zealand. It is considered appropriate to recognise the potential adverse effects of the subdivision, use and development of contaminated land on both human health and the environment. The inclusion of "from unacceptable risk" to Objective 10.2.1 is considered harmonious to the Ministry for Environment (MFE) guidance documentation' - which seeks to ensure that any land use is appropriate for the risk posed by any residual contamination. Therefore, the Oil Companies support the addition to Objective 10.2.1 as proposed by the submitter.	Accept	8.8
FS1168.173	Horticulture New Zealand	Support	Accept submission	Recognition of unacceptable risk is supported.	Accept	8.8
680.125	Federated Farmers of New Zealand	Neutral/Amend	Add to Policy 10.2.2 Managing the use of contaminated land an advice note as follows: <u>Advice note: The status of some activities will be determined by the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011</u> . Reference should be made to the <u>Ministry of Environment website for a copy of these regulations, a user's guide, and documents incorporated by reference in these regulations</u> . AND Any consequential changes needed to give effect to this relief.	The submitter understands the purpose and intent of this policy and considers the planning approach which is predicated on land use change is appropriate. Soil tests upon sub-division and the already existing food standards testing allow for the identification of contaminated land when it has an effect on the public and as such there is no need for additional rules proposing tighter regulations for contaminated land or suspected contaminated land without there being a demonstrable effects-based need for these higher standards. It is not cost effective to deal with potential sites proactively, especially if there is no identified need, through either the food chain or land use change. For these reasons the submitter also supports the planning approach which seeks to avoid unnecessary duplication with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ('NES'). This approach is consistent with Implementation Method 14.4.1 of the	Accept	9.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				Waikato Regional Policy Statement. Whilst the alignment approach is supported amendments are required to better 'signpost' this alignment within the chapter. This will ensure plan users are better informed and understand the rules framework which applies.		
FS1168.176	Horticulture New Zealand	Support	Accept submission.	The addition of an Advice Note is appropriate as not all land use activities are subject to the provisions in the NESCS.	Accept	9.2
680.139	Federated Farmers of New Zealand	Oppose	Amend the definition of "Hazardous facility" in Chapter 13 Definition as follows: Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage includes vehicles for their transport located at a facility for more than short periods of time. <u>A Hazardous facility does not include:</u> (a) <u>The incidental use and storage of Hazardous substances in domestic quantities;</u> and (b) <u>Fuel contained in tanks of motor vehicles, agricultural and forestry equipment, boats and small engines;</u> and, (c) <u>On farm milk and farm effluent storage and disposal;</u> and (d) <u>Storage of superphosphate or lime or similar fertiliser in the Rural Zone;</u> and (e) <u>Use and storage of agrichemicals covered by, and in accordance with New Zealand Standard 8409:2004 Management of Agrichemicals.</u> AND Any consequential amendments needed to give effect to this relief.	The definition as currently worded has the potential to capture a range of activities inappropriately.	Accept in part	10.10
FS1387.191	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development	Accept in part	10.10

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>in the Waikato River Catchment is appropriate.</i>		
680.140	Federated Farmers of New Zealand	Oppose	Amend the definition of "Hazardous substance" in Chapter 13 Definitions, as follows: Means any substance with hazardous properties, including radioactivity, high BOD (Biological Oxygen Demand) and those properties defined as hazardous for the purpose of the Hazardous Substances and New Organisms Act 1996. AND Any consequential changes needed to give effect to this relief.	The definition should be consistent with the HSNO Act; any variation has the ability to cause confusion and unnecessary duplication.	Accept	10.4
FS1168.119	Horticulture New Zealand	Support	Accept in part.	The submitter seeks to amend the definition of hazardous substance consistent with the HSNO Act. The RMA and the National Planning Standards have a definition for hazardous substances and that definition should be used in the Plan.	Accept	10.4
680.209	Federated Farmers of New Zealand	Neutral/Amend	Amend Rule 22.2.4 PI Hazardous Substances, as follows: (a) The use, storage or disposal of any hazardous substances where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rural Zone in Table 56.1 contained within Appendix 56 (Hazardous Substances), with the exception of: ... (ii) Activities that involve the storage, use, disposal and transportation of agrichemicals, hazardous substances and fuels on land used for primary production that complies with: (a) NZS8409:2004 Management of Agrichemicals; (b) The Hazardous Substances and New Organisms Act 1996 (HSNO) and Regulations (c) The storage and use of Class 3 fuels within the Rural Zone in accordance with the Environmental Protection Agency's Approved Practice Guide for Above Ground Fuel Storage on Farms, September 2010; (d) The storage and use of fertiliser within the Rural Zone in accordance with the: Fertiliser (Corrosive) Group Standard HSR002569, and Fertiliser (Oxidising) Group Standard HSR002570, and Fertiliser (Subsidiary Hazard) Group Standard HSR002571, and Fertiliser (Toxic) Group Standard HSR002572, and Fert Research's Code of Practice for Nutrient Management 2007 AND Any consequential changes needed to give effect to	Whilst the submitter understands the enabling intention of the Activity Table, they believe that tables of permitted quantities using HSNO classifications can be very difficult for resource users and council staff to interpret and determine where farm hazardous substances fit in. Agrichemicals and fertilisers can be made up of many substances and the permitted activity status is based on all the substances on the whole property. Where legislative controls or codes of practice exist, that there is no need for a District Council to require resource consent for the same activity. Hazardous substances are already controlled by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and agrichemicals are managed through NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards. Federated Farmers and Fert Research were involved in the development of Group Standards for fertilisers and agrichemicals. Group Standards for fertilisers are based on their hazardous substance classification: Corrosive HSR002569; Oxidising HSR002570; Subsidiary Hazard HSR002571; and Toxic	Reject	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<p>this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone</p>	<p>6.1 HSR002572. This demonstrates that fertilisers are already being appropriately managed, and this should be a consideration when any district plan provisions are developed. The submitter is concerned that the proposed rule may trigger discretionary resource consent for fertiliser use, storage or disposal. Under Table 5.1 Rule 1 - Use, storage and disposal of hazardous substance sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 6.3, 6.4, 6.5, 9.1D, 9.2D, and 9.3 are exempt from this table. We ask then how is the use, storage or disposal of those exempt hazardous substances enabled when there is no ability to meet the permitted conditions of 22.2.4 PI (a)(i). The most appropriate way to achieve a clear and concise planning system is to include exemptions to the rule. Please also note the incorrect Appendix is referenced within proposed Rule P1.</p>		
FS1168.69	Horticulture New Zealand	Support	Accept submission to the extent that provisions are deleted.	<p>Whilst the submitter understands the enabling intention of the Activity Table, they believe that tables of permitted quantities using HSNO classifications can be very difficult for resource users and council staff to interpret and determine where farm hazardous substances fit in. Agrichemicals and fertilisers can be made up of many substances and the permitted activity status is based on all the substances on the whole property.</p> <p>Where legislative controls or codes of practice exist, that there is no need for a District Council to require resource consent for the same activity.</p> <p>Hazardous substances are already controlled by the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and agrichemicals are managed through NZS8409 and fertilisers in particular under Fertilisers (Subsidiary Hazard) Group Standards.</p> <p>HortNZ supports the deletion of provisions for hazardous substances in the Plan.</p>	Reject	19.2
FS1387.212	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is	Accept	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
697.1031	Waikato District Council	Neutral/Amend	Amend Rule 25.2.5 Hazardous substances, as follows: P1 (a) The use, storage or disposal of any hazardous substance where must meet the following condition: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances) (b) The storage or use of radioactive materials is: (i) in approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017. P2 (a) <u>The storage or use of radioactive materials is: (i) in approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</u> D1 Any activity that does not comply with Rule 25.2.5 P1 or P2	Alignment with the hazardous substances rules in other zones.	Accept	22.2
FS1387.777	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of</p>	Reject	22.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
697.1032	Waikato District Council	Neutral/Amend	Add new Rule 25.2.5 NCI Hazardous substances, as follows: <u>NCI The storage of fuel for retail sale within a service station.</u>	Include a non-complying rule for service stations to align with other chapters.	Accept	22.2
FS1089.8	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Oppose submission point 697.1032.	<ul style="list-style-type: none"> •The Oil Companies sought the deletion of the hazardous substance rule framework from the Proposed Waikato District Plan (785.1-785.11). The proposed submission seeks the retention of this framework, subject additional non-complying activity status specific for 'service stations' (which are not defined within the Proposed District Plan). •The Oil Companies stress that the Resource Legislation Amendment Act 2017 removed the explicit function of the district and regional Councils to control the adverse effects of the storage, use and disposal of hazardous substances under sections 30 and 31 of the RMA 1991. As discussed in the Oil Companies submission, the changes are intended to ensure Councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by the Hazardous Substances New Organisms Act 1996, or Health and Safety at Work Act 2015. •A robust section 32 analysis would be required to justify such provisions to be included within the Proposed Waikato District Plan-of which the Oil Companies does not consider has been undertaken in this instance. •Therefore, the Oil Companies oppose the amendments proposed by the submitter and continue to seek the deletion of the proposed hazardous substances rule framework as sought through the Oil Companies' primary submission. 	Reject	22.2
FS1387.778	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the	Reject	22.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
697.1033	Waikato District Council	Neutral/Amend	Add new Rule 25.2.5 NC2 Hazardous substances, as follows: <u>NC2 Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line</u>	Replicate the hazardous facilities rule within the National Grid from Chapter 14 (where it is relevant to the Reserve Zone) into Chapter 25 for increased clarity and usability of the Plan.	Accept in part	22.2
FS1387.779	Mercury NZ Limited for Mercury D	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	22.2
697.113	Waikato District Council	Neutral/Amend	Amend Rule 16.2.5 PI (a) (i) Hazardous substances to read as follows: (a) The use, storage or disposal of any hazardous substance <u>must meet the following conditions where:</u> (i) the aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified in the Residential zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).	Provides clarity to the rule and alignment with other zone chapters. Deletion of the words “contained within” provides clarification to this rule.	Accept	13.1.2
FS1387.444	Mercury NZ Limited for Mercury D	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed,</i>	Reject	13.1.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
697.114	Waikato District Council	Neutral/Amend	Add Rule 16.2.5 NCI Hazardous substances as follows: <u>NC1 The use, storage of fuel for retail sale within a service station in the Residential zone.</u>	Rule required to ensure no service station activities establish in sensitive zones including the residential zone.	Accept	13.1.2
FS1387.445	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Reject	13.1.2
697.115	Waikato District Council	Neutral/Amend	Add Rule 16.2.5 NC2 Hazardous substances as follows: <u>NC2 Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line</u>	Replicate the hazardous facilities rule within the National Grid from Chapter 14 into Chapter 16 for increased clarity and usability of the Plan.	Accept in part	13.1.2
FS1350.131	Pauline Whitney on behalf of Transpower Limited	Oppose	Disallow in terms of sought relocation	Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions).	Accept in part	13.1.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5. (c) makes specific reference to reverse sensitivity effects between infrastructure and other activities.</p> <p>If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes.</p>		
FS1387.446	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	13.1.2
697.184	Waikato District Council	Neutral/Amend	Delete Rule 17.2.5.4 P1 (a)(ii); AND Add new Permitted Activities Rule 17.2.5.4(P2), as follows: <u>P2 (a) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt</u>	For consistency with other chapters and also to recognise that the storage or use of radioactive substance is a separate activity.	Accept	14.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<u>activity or article in the Radiation Safety Act and Regulations 2017.</u> AND Amend Rule 17.2.5.4(D1) Hazardous substances as follows: The use, storage or disposal of any hazardous substances that does not comply with Rule 17.2.5.4 P1 or P2.			
FS1387.474	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	14.2
697.185	Waikato District Council	Neutral/Amend	Add new Non-Complying Rule 17.2.5.4 NCI, as follows: <u>NCI Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line</u>	Replicate the hazardous facilities rule within the National Grid from Chapter 14 (where it is relevant to the Business Zone) into Chapter 17 for increased clarity and usability of the Plan.	Accept in part	14.2
FS1350.132	Pauline Whitney on behalf of Transpower Limited	Oppose	Disallow in terms of sought relocation.	Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards.	Accept in part	14.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5. (c) makes specific reference to reverse sensitivity effects between infrastructure and other activities.</p> <p>If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes.</p>		
FS1387.475	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	14.2
697.186	Waikato District Council	Neutral/Amend	Amend Rule 17.2.5.4 D1 Hazardous substances, as follows: D+2 service station that does not comply with Rule 17.2.4.5.4 C1.	Correct numbering error.	Accept	14.2
FS1387.476	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to</p>	Reject	14.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
697.265	Waikato District Council	Neutral/Amend	Amend Rule 18.2.5 Hazardous substances, as follows: (a) The use, storage or disposal of any hazardous substances where <u>must meet the following conditions:</u> (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances)	Amend the hazardous substances rule to align with other chapters.	Accept	15.2
FS1387.511	Mercury NZ Limited for Mercury D	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	15.2
697.266	Waikato District Council	Neutral/Amend	Add to Rule 18.2.5 Hazardous substances, as follows: <u>D2 A service station that does not comply with Rule 18.2.5 C1.</u> AND Amend Rule 18.2.5 Discretionary Activities Rule D1, as follows: The use, storage or disposal of hazardous substances that do not comply with Rules 18.2.5 P1 or P2 or C1.	Insert rule for service stations that do not comply with the permitted activity conditions for consistency with other chapters.	Accept	15.2
FS1089.11	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Oppose submission point 697.266.	<i>The Oil Companies sought the deletion of the hazardous substance rule framework from the Proposed Waikato District Plan (785.1-785.11). The proposed submissions seek the retention this framework, subject to an additional discretionary activity status specific</i>	Reject	15.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>for 'service stations' (which are not defined within the Proposed Waikato District Plan). The Oil Companies stress that the Resource Legislation Amendment Act 2017 removed the explicit function of the district and regional Councils to control the adverse effects of the storage, use and disposal of hazardous substances under sections 30 and 31 of the RMA 1991.</p> <p>As discussed in the Oil Companies original submissions, the changes are intended to ensure Councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substances New Organisms Act 1996, or Health and Safety at Work Act 2015.</p> <p>A robust section 32 analysis would be required to justify such provisions to be included within the Proposed Waikato District Plan- of which the Oil Companies does not consider has been undertaken in this instance.</p> <p>Therefore, the Oil Companies oppose the amendments proposed by the submitter and continue to seek the deletion of the proposed hazardous substances rule framework as sought through the Oil Companies' primary submissions.</p>		
FSI387.512	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Reject	15.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
697.267	Waikato District Council	Neutral/Amend	Add new Rule 18.2.5 NCI Hazardous substances, as follows: <u>NCI Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line</u>	Replicate the hazardous facilities rule within the National Grid from Chapter 14 into Chapter 18 (where relevant to the Business Town Centre Zone) for increased clarity and usability of the Plan.	Reject	15.2
FS1350.133	Pauline Whitney on behalf of Transpower Limited	Oppose	Disallow in terms of sought relocation.	Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5. (c) makes specific reference to reverse sensitivity effects between infrastructure and other activities. If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes.	Accept	15.2
FS1387.513	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.	Accept	15.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
697.319	Waikato District Council	Neutral/Amend	Amend Appendix 5 Ecotoxic Class 9 - High Biological Oxygen Demand (>10,000mg/l) as follows: Line one - High Biological Oxygen Demand (BODs)(>10,000 mg/l) <30m of a watercourse Line two - High Biological Oxygen Demand (BODs)(>10,000 mg/l) >30m of a watercourse	To avoid confusion to the plan reader	Accept	11.2
FS1168.210	Horticulture New Zealand	Oppose	Reject submission.	The submitter seeks to add assessment criteria for discretionary activities. HortNZ seeks that Appendix 5 be deleted as other legislation is adequate to manage risks from use of hazardous substances. Therefore the criteria are not needed.	Reject	11.2
FS1387.526	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. <i>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	11.2
697.320	Waikato District Council	Neutral/Amend	Amend Appendix 5 Hazardous substances to include Assessment Criteria for Discretionary Activities as follows: <u>Assessment Criteria</u> When assessing discretionary applications, the assessment shall include (but is not limited to): a. How the hazardous facility is located on the site, taking into account separation from boundaries and other more sensitive land uses; b. How the design and proposed	Assessment Criteria provide further information for plan users when preparing applications for Discretionary Activity resource consents.	Accept	11.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<p>management contributes to the minimisation of adverse effects on the environment; c. The individual risks of the hazardous facility and cumulative risks with other hazardous facilities in the vicinity, as relevant; d. The actual and potential adverse effects associated with the transport of a hazardous substance on road infrastructure or on sensitive land uses along transport routes, if this is a significant aspect of the facility; e. Consideration of the risks posed by the occurrence of identified natural hazard events in the area to the hazardous facility; f. The degree of social, cultural or economic benefits the facility and its associated storage, use or disposal of hazardous substances will have locally; g. Whether an assessment of the risks has been provided which contains a level of detail which corresponds to the scale and nature of the facility proposed and the hazardous substances involved. An assessment may need to include the following considerations: i. the sensitivity of the receiving environment to any risks; ii. risk identification (inherent risk) and assessment, and risk management response (residual risk); iii. practicable alternative method of management that would present less risk; iv. how the proposal minimises or mitigates cumulative adverse effects with respect to other hazardous facilities in the area; v. proposed emergency management equipment and plans and the adequacy of overall emergency response capability. Note: a risk assessment should correspond to the scale and significance of the activity and its risks. A quantitative risk assessment may be required for major hazardous facilities where the risk contributors may be significant or complex. A risk assessment should be undertaken by a suitably qualified and experienced professional.</p>			
FS/264.9	Fraser Graafhuis on behalf of Bootleg Brewery	Oppose	<p>Seek that either the submission point is disallowed</p> <p>OR</p> <p>The Matangi site is excluded/exempt from these rules, on the basis effects from the operation of the site on local community are addressed through a bespoke precinct zone, commercial agreement, or effects are negligible and there is no need to apply a restriction.</p>	<p>Bootleg supports a framework which provides for the permissive operation of a brewery with on and off premise, as well as promotes economic growth and regeneration of the site to realise its full potential.</p> <p>The rules unnecessarily restrict or result in additional cost to operators, which there is no significant adverse effect to be managed. The anticipated effects are either negligible or can be managed through commercial outcomes. On</p>	Reject	11.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>this basis, the proposed rules will have a negative effect on economic growth and regeneration of the site, which will benefit the local community.</i>		
FS1345.69	Alice Barnett for Genesis Energy	Oppose	Reject submission point.	Genesis opposes these rules as they do not recognise or provide for industrial activities established prior to the other more sensitive zones. Should the industrial activity be developed secondary to the other sensitive uses (residential etc.) then it should be required to manage its amenity related effects. However, if a newer residential or other sensitive activity develops beside the industrial activity that industrial activity should not be required to address the potential reverse sensitivity effects. If a rule of this nature is proposed, then it needs to be drafted to ensure it only captures new industrial activities. Genesis is also concerned with the drafting of (b) in respect of the requirement for an 8-metre-wide landscape planting strip. This does not recognise existing activities beside waterbodies, and those which have critical infrastructure at a water body. For example, the Huntly Power Station is on the banks of the Waikato River and has a large cooling water intake and outfall – which cannot be planted. This rule needs to be drafted in a different manner to ensure there are no unintended consequences.	Reject	11.2
697.569	Waikato District Council	Neutral/Amend	Add a new introduction in Chapter 10: Hazardous Substances and Contaminated Land as follows: <u>The provisions of this chapter are designed to prevent or minimise adverse effects of activities at sites that use, store, transport or dispose of hazardous substances. These activities can include industrial operations (for example chemical warehousing, manufacturing plants or bulk storage facilities), workshops, agricultural and horticultural activities, and some occupations that are carried out from home. The sites where such activities take place are defined as hazardous facilities. Land use activities involving hazardous substances have the potential to result in an increased risk of adverse environmental effects and present a risk to those who use them or may be exposed to them, and the surrounding environment.</u>	An introduction to the topic of hazardous substances will assist the reader to understand the intentions and reasons that accompany the rules relating to hazardous substances in the District Plan.	Accept	4.1

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<u>Risks are influenced by the nature of the hazardous substances, the quantity of the substances, the effects the substance may have, the likelihood of an event occurring and which parts of the environment may be affected. An event may be an accidental release, spill, unintended chemical reaction, fire or explosion. Risks are influenced by the location of an activity and the surrounding environment. For example, hazardous facilities located in areas subject to natural hazards may be exposed to greater risks of damage or failure resulting in an event involving a hazardous substance. Facilities located in proximity to land uses that are sensitive to the potential effects of a hazardous substance may also result in a greater risk. These provisions are a land use planning tool under the Resource Management Act and are designed to apply in addition to requirements of other legislation. Such requirements assist in the management of hazardous substances and they are recognised in the design of the provisions in this chapter.</u>			
FS1168.161	Horticulture New Zealand	Oppose	Reject submission.	HortNZ opposes the provisions in Ch 10 in part and the introduction sought by the submitter does not address philosophical differences on the approach to management of hazardous substances.	Reject	4.1
FS1342.182	Hilary Walker on behalf of Federated farmers	Oppose	Disallow submission point 697.569 in part. Remove this sentence from the proposed introductory wording: The sites where such activities take place are defined as hazardous facilities.	FFNZ accepts an introduction section can be useful however opposes the proposed wording for reasons outlined in relation to the notified 'hazardous facility' definition.	Reject	4.1
FS1345.71	Alice Barnett on behalf of Genesis Energy	Oppose	Reject submission point.	Genesis considers that the HSNO / Health and Safety legislation is sufficient to manage the risks associated with hazardous substances.	Reject	4.1
FS1387.615	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk	Reject	4.1

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
697.570	Waikato District Council	Neutral/Amend	Amend Objective 10.1.1(a) Effects of hazardous substances to read as follows: (a) <u>Residual risks</u> associated with the storage, use, <u>transport</u> or disposal of hazardous substances <u>is managed</u> <u>are minimised</u> to ensure that the effects on people, property and the environment are acceptable, while recognising the benefits of facilities using hazardous substances.	Following technical advice on this change, 'Residual' risks are those risks left after risk management is in place. Managing residual risks is not an accurate or useful statement in the context. Transport being omitted from this objective is an error. The term 'minimised' provides clarity to the objective.	Accept in part	5.2
FS1345.72	Alice Barnett on behalf of Genesis Energy	Oppose	Reject submission point.	Genesis considers that the HSNO / Health and Safety legislation is sufficient to manage the risks associated with hazardous substances.	Reject	5.2
697.571	Waikato District Council	Neutral/Amend	Amend Policy 10.1.2 Location of new hazardous facilities heading as follows: Policy - <u>Location of new Hazardous facilities</u>	Provides clarity that this policy applies to all hazardous facilities, not just 'new' facilities.	Accept	6.2
FS1168.167	Horticulture New Zealand	Oppose	Reject submission.	<i>The focus should be on storage of hazardous substances not hazardous facilities.</i>	Reject	6.2
FS1345.73	Alice Barnett on behalf of Genesis Energy	Oppose	Reject submission point.	Genesis considers that the HSNO / Health and Safety legislation is sufficient to manage the risks associated with hazardous substances.	Reject	6.2
FS1387.616	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	6.2
697.572	Waikato District Council	Neutral/Amend	Amend Policy Location of new hazardous facilities 10.1.2(a) as follows: (a) <u>New Hazardous facilities must</u> minimise the risk to the environment (including people and property) to acceptable levels by: (i) Siting new hazardous facilities in appropriate locations that are separated from incompatible activities, including infrastructure, and sensitive	Ensures policy applies to all hazardous facilities, not just 'new' facilities. Re-wording provides clarity to the policy.	Accept	6.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			environments; (ii) Avoid locating near to sensitive land use activities and infrastructure (iii) Designing, constructing and operating hazardous facilities in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site; and (iv) Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place <u>and avoiding the storage, processing or disposal of hazardous wastes in sensitive environments.</u>			
FS1345.74	Alice Barnett on behalf of Genesis Energy	Oppose	Reject submission point.	Genesis considers that the HSNO / Health and Safety legislation is sufficient to manage the risks associated with hazardous substances.	Reject	6.2
FS1387.617	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	6.2
697.573	Waikato District Council	Neutral/Amend	Amend Policy 10.1.3 Residual risks of hazardous substances heading as follows: Policy – <u>Residual Assessment</u> of risks of hazardous substances	Headings should be precise and this change provides for identification and assessment of risks.	Accept	7.2
FS1168.170	Horticulture New Zealand	Oppose	Reject submission.	Assessment of risks of hazardous substances is undertaken by EPA.	Reject	7.2
FS1345.75	Alice Barnett on behalf of Genesis Energy	Oppose	Reject submission point.	Genesis considers that the HSNO / Health and Safety legislation is sufficient to manage the risks associated with hazardous substances.	Reject	7.2
FS1387.618	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate	Reject	7.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
697.574	Waikato District Council	Neutral/Amend	Amend Policy 10.1.4 Reverse sensitivity effects as follows: (a) Separate as far as practicable sensitive land use activities from lawfully-established hazardous facilities; (b) Separate new hazardous facilities from existing sensitive land use activities; and (c) Avoid the storage, processing or disposal of hazardous waste in sensitive environments.	This would provide clarity to this policy and support the changes requested under other submission points.	Accept in part	8.2
FSI 168.172	Horticulture New Zealand	Oppose	Reject submission.	There should be clear separation of sensitive activities from lawfully established operations using hazardous substances to ensure that reverse sensitivity effects are avoided.	Reject	8.2
FSI 387.619	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Reject	8.2
697.588	Waikato District Council	Neutral/Amend	Amend Rule 19.2.5 (PI) Earthworks, as follows: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Zone in Table 65.1 contained within Appendix 65 (Hazardous Substances) (b) The storage or use of radioactive materials is: (i) in approved equipment for medical and diagnostic purposes; or (ii) specified as an	Alignment with the rules in other chapters.	Accept	16.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<p>exempt activity or article in the Radiation Safety Act and Regulations 2017.</p> <p>AND</p> <p>Add Rule 19.2.5 (P2), as follows: P2 (a) The storage or use of radioactive materials is: (i) in approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p> <p>AND</p> <p>Amend Rule 19.2.5 D1 Earthworks, as follows; Any activity that does not comply with Rule 19.2.5 P1 or P2</p>			
697.589	Waikato District Council	Neutral/Amend	Add a new non-complying activity in Rule 19.2.5 Hazardous Substances, as follows: <u>NCI</u> The storage of fuel for retail sale within a service station.	Include a rule regarding service stations as a non-complying activity.	Accept	16.2
697.628	Waikato District Council	Neutral/Amend	Amend Rule 20.2.6 C1(b) Hazardous Substances B, as follows: B. interaction with natural hazards (flooding, instability), as applicable and proposed emergency management planning (spills, fire and other relevant hazards);	Wording provides clarity to the rule.	Accept	17.2
FS1387.630	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Reject	17.2
697.629	Waikato District Council	Neutral/Amend	Add a new Rule 20.2.6 NCI Hazardous Substances: <u>NCI</u> Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line	Replicate the hazardous facilities rule within the National Grid from Chapter 14 (where it is relevant to the Industrial Zone) into Chapter 20 for increased clarity and usability of the Plan.	Accept in part	17.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
FS1350.134	Pauline Whitney on behalf of Transpower Limited	Oppose	Disallow in terms of sought relocation.	<p>Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5. (c) makes specific reference to reverse sensitivity effects between infrastructure and other activities.</p> <p>If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes.</p>	Accept in part	17.2
FS1387.631	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk</p>	Accept in part	17.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
697.703	Waikato District Council	Neutral/Amend	Add new Rule 21.2.6 (NC1) Hazardous substances, as follows: <u>NC1 Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line</u>	Replicate the hazardous facilities rule within the National Grid from Chapter 14 (where it is relevant to the Industrial Zone Heavy Zone) into Chapter 21 for increased clarity and usability of the Plan.	Accept in part	18.2
FS/350.135	Pauline Whitney on behalf of Transpower Limited	Oppose	Disallow in terms of sought relocation.	<p><i>Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5.(c) makes specific reference to reverse sensitivity effects between infrastructure and other activities.</i></p> <p><i>If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes.</i></p>	Accept in part	18.2
FS/387.649	Mercury NZ Limited for Mercury D	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects</i>	Accept in part	18.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
697.708	Waikato District Council	Neutral/Amend	Amend Rule 21.2.6 PI(a)(i) Hazardous substances, as follows: (i) the aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for the Industrial Zone Heavy in Table 5.1 contained within Appendix 5 (Hazardous Substances).	The removal of the words "contained within" is not necessary.	Accept	18.2
FS1345.79	Alice Barnett on behalf of Genesis Energy	Oppose	Reject submission point.	Genesis considers that the HSNO/Health and Safety legislation is sufficient to manage the risks associated with hazardous substances.	Reject	18.2
FS1387.650	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Reject	18.2
697.777	Waikato District Council	Neutral/Amend	Amend Rule 22.2.4 PI(a)(i) Hazardous substances, as follows: (a) The use, storage or disposal of any hazardous substances <u>must meet the following conditions</u> where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rural Zone in Table 65.1 contained within Appendix 65 (Hazardous Substances).	The removal of the words "contained within" is not necessary. Reference to appendix 6 is incorrect as is a minor error.	Accept	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
FS1345.83	Alice Barnett on behalf of Genesis Energy	Oppose	Reject submission point.	Genesis considers that the HSNO / Health and Safety legislation is sufficient to manage the risks associated with hazardous substances.	Reject	19.2
FS1387.688	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	19.2
697.778	Waikato District Council	Neutral/Amend	Add a new non-complying activity (NCI) to Rule 22.2.4 Hazardous substances, as follows: <u>NCI Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line.</u>	This is to replicate the hazardous facilities rule within the National Grid from Chapter 14 into Chapter 22 for increased clarity and usability of the Plan.	Accept in part	19.2
FS1350.136	Pauline Whitney on behalf of Transpower Limited	Oppose	Disallow in terms of sought relocation.	Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special	Accept in part	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5.(c) makes specific reference to reverse sensitivity effects between infrastructure and other activities.</p> <p>If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes.</p>		
FSI387.689	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	19.2
697.870	Waikato District Council	Neutral/Amend	Amend Rule 23.2.4 P1(a)(i) Hazardous substances, as follows: (i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified for the Country Living Zone in Table 6.1 contained within Appendix 5 (Hazardous Substances); and	The words "contained within" are not required.	Accept	20.2
697.871	Waikato District Council	Neutral/Amend	Delete Rule 23.2.4 C1 Hazardous substances. AND Amend Rule 23.3.4 D1 Hazardous substances, as follows: Rule 23.2.4 P1, or P2 or C1.	C1 is not appropriate within the Country Living Zone and is to be replaced with a Non-Complying Activity.	Accept	20.2
FSI387.718	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects</p>	Reject	20.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
697.872	Waikato District Council	Neutral/Amend	Amend Rule 23.2.4 to insert NCI Hazardous substances, as follows: <u>NCI The storage of fuel for retail sale within service station in the Country Living Zone.</u>	This new rule provides a more restrictive approach than current CI, as this is a sensitive environment.	Accept	20.2
FS1089.6	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Oppose submission point 697.872.	<p>The Oil Companies sought the deletion of the hazardous substance rule framework from the Proposed Waikato District Plan (785.1-785.11). The proposed submission seeks the retention of this framework, subject additional non-complying activity status specific for 'service stations' (which are not defined within the Proposed District Plan).</p> <p>The Oil Companies stress that the Resource Legislation Amendment Act 2017 removed the explicit function of the district and regional Councils to control the adverse effects of the storage, use and disposal of hazardous substances under sections 30 and 31 of the RMA 1991. As discussed in the Oil Companies submission, the changes are intended to ensure Councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by the Hazardous Substances New Organisms Act 1996, or Health and Safety at Work Act 2015. A robust section 32 analysis would be required to justify such provisions to be included within the Proposed Waikato District Plan-of which the Oil Companies does not consider has been undertaken in this instance.</p> <p>Therefore, the Oil Companies oppose the amendments proposed by the submitter and continue to seek the deletion of the proposed hazardous substances rule framework as</p>	Reject	20.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				sought through the Oil Companies' primary submission.		
FS1387.719	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	20.2
697.873	Waikato District Council	Neutral/Amend	Add a new non-complying activity (NC2) to Rule 23.2.4 Hazardous substances, as follows: <u>NC2 Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line</u>	This is to replicate the hazardous facilities rule within the National Grid from Chapter 14 into Chapter 23 for increased clarity and usability of the Plan.	Accept in part	20.2
FS1350.137	Pauline Whitney on behalf of Transpower Limited	Oppose	Disallow in terms of sought relocation.	Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be	Accept in part	20.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5.(c) makes specific reference to reverse sensitivity effects between infrastructure and other activities. If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes.		
FSI387.720	Mercury NZ Limited for Mercury D	Oppose	Null	At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	20.2
697.960	Waikato District Council	Neutral/Amend	Amend Rule 24.2.5 PI(a) Hazardous Substances, as follows: (b) The use, storage or disposal of any hazardous substances <u>must meet the following conditions</u> where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Residential Village zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).	Correction required. Residential Zone referred to in error.	Accept	21.2
697.961	Waikato District Council	Neutral/Amend	Add Rule 24.2.5 Hazardous substances, as follows: <u>NCI The storage of fuel for retail sale within service station in the Village Zone.</u>	This new rule provides a more restrictive approach than D1, as this is a sensitive environment.	Accept	21.2
FSI089.7	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Oppose submission point 697.961.	The Oil Companies sought the deletion of the hazardous substance rule framework from the Proposed Waikato District Plan (785.1-785.11). The proposed submission seeks the	Reject	21.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>retention of this framework, subject additional non-complying activity status specific for 'service stations' (which are not defined within the Proposed District Plan).</p> <p>The Oil Companies stress that the Resource Legislation Amendment Act 2017 removed the explicit function of the district and regional Councils to control the adverse effects of the storage, use and disposal of hazardous substances under sections 30 and 31 of the RMA 1991. As discussed in the Oil Companies submission, the changes are intended to ensure Councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by the Hazardous Substances New Organisms Act 1996, or Health and Safety at Work Act 2015. A robust section 32 analysis would be required to justify such provisions to be included within the Proposed Waikato District Plan-of which the Oil Companies does not consider has been undertaken in this instance. Therefore, the Oil Companies oppose the amendments proposed by the submitter and continue to seek the deletion of the proposed hazardous substances rule framework as sought through the Oil Companies' primary submission.</p>		
FS1387.751	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Reject	21.2
697.962	Waikato District Council	Neutral/Amend	Add new Rule 24.2.5 NC2 Hazardous substances, as follows: <u>NC2 Any new hazardous facility that</u>	Replicate the hazardous facilities rule within the National Grid from Chapter 14 (where	Accept in part	21.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			<u>involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line</u>	it is relevant to the Village Zone) into Chapter 24 for increased clarity and usability of the Plan.		
FS1350.138	Pauline Whitney on behalf of Transpower Limited	Oppose	Disallow in terms of sought relocation.	<p>Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5.(c) makes specific reference to reverse sensitivity effects between infrastructure and other activities.</p> <p>If council wishes to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes.</p>	Accept in part	21.2
FS1387.752	Mercury NZ Limited for Mercury D	Oppose	Null	<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to</p>	Accept in part	21.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p><i>designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>		
785.2	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 22.2.4 – Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	<p>The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required. The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource Management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances</p>	Reject	19.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of. The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient.</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan.</p> <p>As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.		
FS1198.48	Bathurst Resources Limited and BT Mining Limited	Support	The submission point be allowed in full.	Support for the reasons given by the original submitter.	Reject	19.2
FS1302.17	Chris Dawson on behalf of Mercer Airport	Support	Mercer Airport supports submission point 785.2 and seeks that the submission point is allowed.	Agree that the provisions are not required to be replicated unnecessarily.	Reject	19.2
FS1342.215	Hilary Walker on behalf of Federated farmers	Support	Allow submission point 785.2.	FFNZ support the submitter's relief as an alternative to its own relief sought for this rule for the same reasons as the FFNZ submission on this rule.	Reject	19.2
785.3	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 23.2.4 – Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required. The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource Management Act 1991 (RMA).	Reject	20.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of. The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid,</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan. As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the</p>		

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				<p>section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over.</p> <p>In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.</p>		
785.4	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 24.2.5 – Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	<p>The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites.</p> <p>The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis.</p> <p>These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why</p>	Reject	21.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>additional controls are required. The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource Management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of. The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST)</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan. As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations</p>		

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				<p>above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rationale/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.</p>		
785.5	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 25.2.5 – Hazardous Substances. AND Any consequential amendments or further relief to give effect to the submission.	The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where	Reject	22.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required. The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource Management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of. The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use</p>		

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				<p>of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan.</p> <p>As an example, in regard to service stations the Section 32 Report concludes that, “the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered.</p> <p>No rationale/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over.</p> <p>In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.</p>		
785.7	Z Energy Limited, BP Oil	Oppose	Delete Rule 27.2.11 – Hazardous Substances.	The proposed provisions are opposed and	Reject	24.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
	<p>NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'</p>		<p>AND Any consequential amendments or further relief to give effect to the submission.</p>	<p>the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refueling sites.</p> <p>The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis.</p> <p>These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required.</p> <p>The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015.</p> <p>The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including:</p> <ul style="list-style-type: none"> site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; 		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of. The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level</p>		

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				<p>of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan.</p> <p>As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are matters that the Council should reserve control over. In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the</p>		

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.		
FS1339.198	Sam Hutchings on behalf of NZTE Operations	Not stated	NZTE is neutral on whether this submission should be allowed or disallowed.	NZTE is neutral to the extent that the relief sought in the submission is consistent with the relief sought in NZTE's submission and this further submission.	Reject	24.2
81.233	Waikato Regional Council	Neutral/Amend	Add to Policy 10.2.2(d) Managing the use of contaminated land reference to 'preliminary site investigations'.	To clarify the intent of Policy 10.2.2(d) the wording should be rewritten, with additional wording to include reference to 'preliminary site investigations' To align with the National Environmental Standard for Contaminated Soil reference to preliminary site investigations should also be included.	Accept	9.2
FS1089.9	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Support	Support submission point 81.223.	The Oil Companies support aligning Policy 10.2.2 (d) with the Waikato Regional Policy Statement by way of including additional provisions that support the implementation of the NESCS. Therefore, the Oil Companies support the amendments proposed by the submitter.	Accept	9.2
81.234	Waikato Regional Council	Neutral/Amend	Add to Policy 10.2.2(d) Managing the use of contaminated land an additional sub-point the requirement that any preliminary or detailed site investigation reports, remedial action plans, site validation reports and ongoing site management plans are prepared in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines #1 and #5, and are provided to both Waikato District Council and the submitter for their records.	To clarify the intent of Policy 10.2.2(d) the wording should be rewritten, with additional wording to include reference to 'the Ministry for the Environment's Contaminated Land Management Guidelines #1 and #5'. The National Environmental Standard for Contaminated Soil provides a framework for the management of contaminated sites, and Implementation Method 14.4.1 of the WRPS requires that District Plans shall include provisions that support the implementation of the National Environmental Standard for Contaminated Soil.	Accept	9.2
827.22	New Zealand Steel Holdings Ltd	Support	Retain Objective 10.1.1 Effects of hazardous substances as notified.	Support these provisions.	Accept	5.2
827.23	New Zealand Steel	Support	Retain Policy 10.1.2 Location of new hazardous	Support these provisions.	Accept in part	6.2

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	Holdings Ltd		facilities as notified.			
827.24	New Zealand Steel Holdings Ltd	Support	Retain Policy 10.1.3 Residual risks of hazardous substances as notified.	Support these provisions.	Accept	7.2
827.25	New Zealand Steel Holdings Ltd	Support	Retain Policy 10.1.4 Reverse sensitivity effects as notified.	Support these provisions.	Accept	8.2
923.131	Waikato District Health Board	Support	Retain Objective 10.1.1-Effects of hazardous substances as notified.	Policy is supported. The robust management of hazardous substances within the district is important for maintaining community health, safety and wellbeing.	Accept	5.2
<i>FS1387.1535</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>	<i>Null</i>	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	<i>Reject</i>	<i>5.2</i>
923.132	Waikato District Health Board	Support	Retain Policy 10.1.2- Location of new hazardous facilities as notified.	Policy is supported. The robust management of hazardous substances within the district is important for maintaining community health, safety and wellbeing.	Accept in part	6.2
<i>FS1387.1536</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>	<i>Null</i>	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to</i>	<i>Accept in part</i>	<i>6.2</i>

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<i>designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
923.133	Waikato District Health Board	Support	Retain Policy 10.1.3- Residual risks of hazardous substances as notified.	Policy is supported. The robust management of hazardous substances within the district is important for maintaining community health, safety and wellbeing.	Accept	7.2
<i>FS1387.1537</i>	<i>Mercury NZ Limited for Mercury D</i>	Oppose	Null	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	7.2
923.134	Waikato District Health Board	Support	Amend Objective 10.2.1- Contaminated Land as follows: The subdivision, use and development of contaminated land is managed to protect human health <u>and safety</u> and the environment.	Use of 'human health and the environment' is supported as it aligns with the Natural Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) and section 31 (1) (b) of the RMA. The submitter recommends that the wording better reflect section 5 of the RMA.	Accept	8.8
923.135	Waikato District Health Board	Support	Amend Policy 10.2.2 (b) - Managing the use of contaminated land as follows: Disposal of contaminated soil must be carried out in a manner that avoids further adverse effects on human health <u>and safety</u> , or on the environment.	The submitter supports Policy 10.2.2 (b) to the extent that recognition is given to human health from the adverse effects of contaminated land. The submitter recommends that the wording better reflect section 5 of the RMA.	Accept	9.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
924.32	Alice Barnett for Genesis Energy Limited	Neutral/Amend	<p>Amend Rule 21.2.6- Hazardous Substances as follows: <u>Hazardous substance use, storage or disposal at any site within a Heavy Industrial zone shall be managed in accordance with the Safety at Work (Hazardous Substances) Regulations, and that any activity that does not comply with the Safety at Work (Hazardous Substances) Regulation is a discretionary activity.</u></p> <p>OR</p> <p>Amend Rule 21.2.6 PI- Hazardous substances as follows: (a) The use, storage or disposal of any hazardous substance where: (i) The aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for the Heavy Industrial Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances); or (ii) <u>The activity is located in the Heavy Industrial Zone at Huntly Power Station and is located at least 20m distance from the zone boundary, except in relation to existing water intake and outfall structures (where no setback applies).</u></p>	<p>A range of hazardous substances are stored and used at Huntly Power Station, in compliance with the relevant Health and Safety at Work (Hazardous Substances) Regulations and the Health and Safety at Work Act (HSAW Act). The submitter notes that the proposed hazardous substance rules represent a duplication of the requirements under these regulations and HSAW Act and would prefer that all control of such substances at Huntly Power Station site is exercised under the Regulations and HSAW Act, designed specifically for and is fit for that purpose.</p> <p>Alternatively, the submitter seeks site specific provisions relating to the Huntly Power Station site to provide for such matters as operation of the gas reception area and operation of the water intake structures on the banks of the Waikato River.</p>	Reject	18.2
FS1089.5	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Not Stated	Support submission point 924.32 in part.	<p>The Oil Companies sought the deletion of Rule 21.2.6 (785.1) and generally sought the deletion of the hazardous substance Hazardous substance rule framework from the Proposed Waikato District Plan (785.1-785.11).</p> <p>That said, the Oil Companies support, in part, the submission insofar as recognising the duplication of the requirements under the Health and Safety (Hazardous Substances) Regulations and the Health and Safety at Work Act. However, the Oil Companies stress that the Resource Legislation Amendment Act 2017 removed the explicit function of the district and regional Councils to control the adverse effects of the storage, use and disposal of hazardous substances under sections 30 and 31 of the RMA 1991. As discussed in the Oil Companies submission, the changes are intended to ensure Councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substances New Organisms Act 1996, or Health and Safety at Work Act 2015. A robust section 32 analysis would be required</p>	Reject	18.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
				<p>to justify such provisions to be included within the Proposed Waikato District Plan- of which the Oil Companies does not consider has been undertaken in this instance.</p> <p>Therefore, the Oil Companies oppose, the amendments proposed by the submitter and continue to seek the deletion of the proposed hazardous substances rule frame work as sought through the Oil Companies' primary submissions.</p>		
924.36	Alice Barnett for Genesis Energy Limited	Neutral/Amend	Amend Rule 22.2.4 PI Hazardous Substances as follows: (a) The use, storage or disposal of any hazardous substance where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rural Zone in Table 65.1 contained within Appendix 65 (Hazardous Substances), or (ii) <u>The activity is located in Specific Area 22.6.1 and is managed in accordance with the Health and Safety at work (Hazardous Substances) Regulations.</u>	A range of hazardous substances are stored and used at Huntly Power Station, in compliance with the relevant Health and Safety at Work (Hazardous Substances) Regulations and the Health and Safety at Work Act (HSAW Act). The submitter notes that the proposed hazardous substance rules represent a duplication of the requirements under these regulations and HSAW Act and would prefer that all control of such substances at Huntly Power Station site is exercised under the Regulations and HSAW Act, designed specifically for and is fit for that purpose.	Reject	19.2
942.68	Angeline Greensill for Tainui	Support	Retain the objectives and policies in Chapter 10 Hazardous Substances and Contaminated Land. AND Add a requirement for a bond to cover liability to be charged as part of the approval during resource consent process to ensure contaminated land is remediated following use.	The submitter supports the objectives and policies in Chapter 10 Hazardous Substances and Contaminated Land.	Accept in part	8.8, 9.2
783.1	Reid Investment Trust	Not Stated	Amend Rule 26.2.9 PI (a) (i) Hazardous Substances - All Precincts as follows: (a) The use, storage or disposal of hazardous substances where: (i) The aggregate quantity of hazardous substances of any hazardous substances of any hazard classification on a site is less than the quantity specified for the Motorsport and Recreation Zone in Table 56.1 contained within Appendix 56 (Hazardous Substances). AND Any consequential amendments or further relief to		Accept	23.2

Submission point	Submitter	Support Oppose	Decision requested	Reasons	Recommendation	Section of this report where the submission point is addressed
			give effect to the matters raised in the submission.			
FSI 194.1	HD Land Limited and Hampton Downs (NZ) Limited	Oppose	Disallow submission 783 (seeking to rezone the Reid Investment Site as Industrial).	Oppose the submission by Reid Investment Trust in its entirety.	Reject	23.2
785.6	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose	Delete Rule 26.2.9 – Hazardous Substances- All Precincts. AND Any consequential amendments or further relief to give effect to the submission.	The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use, disposal or transportation of hazardous substances at service station sites (as broadly defined) or refuelling sites. The submitter also supports the deletion of all rules pertaining to control hazardous substances where such controls are inappropriate, unnecessary, ineffective, inefficient and unable to be justified via a Section 32 analysis. These rules are all designed to address risk associated with hazardous substances. Risk is appropriately managed via other legislation and the Section 32 Report fails to identify why additional controls are required. The Resource Legislation Amendment Act 2017 removed the explicit function of district and regional councils to control adverse effects of the storage, use, disposal, or transportation of hazardous substances under sections 30 and 31 of the Resource management Act 1991 (RMA). The changes came into effect on 19 April 2017 and are intended to ensure councils only place controls on hazardous substances where necessary to control effects under the RMA that are not covered by Hazardous Substance New Organisms Act 1996 or Health and Safety At Work Act 2015. The purpose of the Hazardous Substances New Organisms Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. The Hazardous Substances New Organisms Act covers a range of matters including: site and building requirements for where a	Reject	23.2

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				<p>hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances; emergency management requirements in relation to the substance in the event of a spill or other emergency; and how the substance may be disposed of. The Health and Safety At Work Act 2015 provides a framework to secure the health and safety of works and workplaces and integrates the regulation of workplace use of hazardous substances. The Resource Legislation Amendment Act 2017 followed the decision of the Independent Hearing Panel on the Christchurch Replacement District Plan. That decision was to reject Christchurch City Council's hazardous substance controls (which were based on an activity status table (AST) approach and to only retain controls relating to hazardous substances in close proximity to the National Grid. The Ministry for the Environment considers that in most cases the Hazardous Substances New Organisms Act and the Health and Safety At Work Act 2015 controls will be adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances and that RMA controls may be used if existing HSNO or Work safe controls are not adequate to address the environmental effects of hazardous substances in any particularly case. The submitter strongly supports the Ministry for the Environment's position in this regard. The submitter seeks that any proposed controls around hazardous substances do not duplicate those controls addressed under other legislation. Any duplication is considered unnecessary and inefficient. The section 32 report for Hazardous Substances acknowledges the removal of Council's functions in regards to hazardous</p>		

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				<p>substances and recognizes the "Resource Management Plans should not be in conflict with HSNO requirements and should not repeat them". The report further recognizes that "rationale for a higher level of protection through additional land use controls under the Act may be appropriate for substances both controlled by the Hazardous Substances New Organisms Act or for issues which are not within the scope of the Hazardous Substances New Organisms Act, such as reverse sensitivity". However there is a significant disconnect between the overview and purpose sections of the Section 32 Report and the regulatory provisions in the Proposed District Plan.</p> <p>As an example, in regard to service stations the Section 32 Report concludes that, "the controlled activity status has been assigned to the storage and retail sale of fuel within service stations above a certain level in some zones to recognize that these substances are well managed through standards and industry practice. However, above these thresholds, the opportunity to consider potential adverse effects on the surrounding environment is considered. No rational/analysis is provided within the section 32 report to justify why specific volume thresholds apply to service stations or why the opportunity to consider potential adverse effects on the surrounding environment is considered reasonable if quantities are above those limits. The Section 32 Report does not provide analysis to justify why hazardous substances associated with service stations are only addressed in certain zones and in what way the Council considers the Hazardous Substances New Organisms Act to not adequately control potential adverse effects associated with hazardous substances at service station - for example, why the Council considers site design, layout and monitoring and reporting of incidents are</p>		

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				<p>matters that the Council should reserve control over.</p> <p>In light of the Resource Legislation Amendment Act 2017 and controls under other legislation and the lack of rationale/analysis within the Section 32 Report for hazardous substances, it is considered the proposed hazardous substance controls are largely unnecessary and should therefore be deleted.</p>		
378.54	Fire and Emergency New Zealand	Oppose	<p>Amend Rule 26.2.9 Hazardous substances - All precincts, as follows: (a) The use, storage or disposal of any hazardous substances where: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Motorsport and Recreation Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances); (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017. (iii) Rule 26.2.9 (a)(i) excludes fire service operations.</p> <p>AND</p> <p>Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</p>	<p>Fire and Emergency New Zealand opposes Rule 26.2.9 as while fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency New Zealand's ability to operate as easily and smoothly as needed. Fire and Emergency New Zealand requests that fire stations and associated firefighting activities are excluded for the following reasons: The 8.3 classification (Table 5.1 contained within Appendix 5 (Hazardous Substances)) has a relatively low limit in the Business Town Centre Zone, and is quite low in other areas- lots of household products are eye corrosives from dishwashing to laundry powder. This would limit and potentially prevent Fire and Emergency New Zealand having a HAZMAT vehicle based in this zone because they carry neutralizing agents which are eye corrosives. A greater concern is that some of Fire and Emergency New Zealand's fire retardants and foams also have this classification and this limit could potentially require that Fire and Emergency New Zealand need a resource consent to hold a small amount or and other these chemicals on site, as a lower limit would be largely taken up by ordinary household chemicals used on site. The 8.3A classification is for eye corrosion.</p>	Reject	23.2

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				<p>A person is only affected by this hazard class if they come into direct contact with a product with this classification. This hazard is also managed under the health and safety at work and HSNO legislation usually via labeling and PPE requirements. Fire and Emergency New Zealand considers that there is no logic in restricting the amount of these substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems. Some of Fire and Emergency New Zealand's fire retardants are solids rather than liquids and the reasons for the limits specified in the plan do not make sense for solids. Fire and Emergency New Zealand current main fire retardant is a powder but Fire and Emergency New Zealand are also looking at new foams which come in bricks. As such, higher restrictions for waterways do not make sense for these products as they do not leak or flow. Fire and Emergency New Zealand often requires the temporary storage of chemicals necessary for providing an emergency response, during an emergency and within a short period after the emergency, i.e. there is a small grace period for example if Fire and Emergency New Zealand need a truck to remove a container which has firefighting chemicals in it, they may need to wait for a few working days after the emergency has finished for a contractor to do that work. Not providing for this could restrict Fire and Emergency New Zealand's ability to respond to bush or other major events, e.g. large acid spills and other HAZMAT events. This could also result in a breach of the RMA in order to bring in the necessary products to resolve the issue and prevent harm to people/the environment.</p>		
FSI035.161	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Reject	23.2

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581.18	Synlait Milk Ltd	Support	Retain the definition of "Use" in Chapter 13 Definitions as notified.	The definition provides appropriate interpretation in administration of the District Plan.	Accept	10.22
FS1341.35	Hynds Pipe Systems Limited	Support	Null	<ul style="list-style-type: none"> • This submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and proposal for residential re-zoning. • Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. • Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions 	Reject	10.22