

Waikato District Council – Hazardous Substances Management Background Report

**PROPOSED HAZARDOUS SUBSTANCES PROVISIONS OF THE WAIKATO
DISTRICT PLAN - EXPLANATION OF ISSUES IN RELATION TO SUBMISSIONS
TO SUPPORT COUNCIL'S S. 42A REPORT**

r e s o u r c e s

Hazardous Substances Management

Proposed Hazardous Substances Provisions of the Waikato District Plan – Issues in relation to submissions

Prepared for
Waikato District Council

Prepared by
Norbert Schaffoener
MNZPI
resources consulting

Revision History


Revision	Revision Date	Details	Authorised	
			Name	Signature
1	31/10/2019	Draft for comment by client	N Schaffoener	
2	21/11/2019	Final	N Schaffoener	

Table of Contents

1.0	INTRODUCTION	- 4 -
2.0	STATUTORY CONTEXT FOR LAND USE PLANNING IN RELATION TO HAZARDOUS FACILITIES	- 5 -
3.0	COUNCIL'S ROLE IN MANAGING LAND USE	- 9 -
4.0	STRUCTURE OF PROPOSED PROVISIONS	- 13 -
5.0	THE AST AS METHOD TO DETERMINE THE ACTIVITY STATUS	- 14 -
6.0	REFERENCES	- 16 -

1.0 INTRODUCTION

This background report was prepared at the request of the Waikato District Council to append to Council planner's S42A report. It includes the following:

- Explanation of the function of relevant legislation, specifically the RMA, HSNO & HSW, concerning the management of hazardous substances.
- Setting out Council's role in managing land use, outlining circumstances where RMA controls are considered necessary, and discussing the approach that WDC has taken to the rules for the specific zones.
- Explanation of how the proposed rules do not duplicate HSNO or HSW requirements and outline the benefits to regulate through District Plan rules.
- Discussion of the benefits of a single chapter in the District Plan against rules for sensitive zones (i.e. Residential, Village, Country Living), Industrial (including heavy) and Business zones and Specific Purpose zones.
- Explanation of the role of the AST in Appendix 5.

The purpose of the report is to address broadly a number of common themes raised in submissions. More detailed comments on individual submission points are included in Appendix 1.

2.0 STATUTORY CONTEXT FOR LAND USE PLANNING IN RELATION TO HAZARDOUS FACILITIES

A number of statutes are concerned about different aspects of managing hazardous substances. The Hazardous Substances and New Organisms (**HSNO**) Act 1996 is, in relation to hazardous substances, currently primarily providing for their assessment. The Health and Safety at Work (**HSW**) Act 2015 incorporates the management of hazardous substances for the purpose of protecting workers and workplaces. The Resource Management Act 1991 (**RMA**) is the primary planning and environmental statute dealing with public health and safety, and the environment. It is the only statute with functions and processes in relation to the use of land for managing hazardous facilities.

There are other statutes that include specific aspects of the management of hazardous substances throughout or applying to part of their lifecycle, such as transport and building legislation, or substance-specific legislation such as the Medicines Act. None have a role comparable to the RMA.

2.1 The RMA

The RMA includes as a purpose in section 5 enabling 'people and communities to provide ... for their health and safety'. Section 31 (1) (a) specifies as one of the functions of territorial authorities 'the establishment, implementation and review of objectives, policies and methods to achieve *integrated management*' of the effects of land use. Section 31 (1) (b) includes the specific control of effects of natural hazards; man-made hazards are not mentioned (with the specific exception of contaminated land, generally a result of the mismanagement of hazardous substances). The 4th Schedule includes (after all amendments) the assessment of adverse effects of hazardous installations as a relevant matter [it is noted that the term 'hazardous installation' is not defined in the RMA.]

The Resource Legislation Amendment Act 2017 removed (among many other changes to the RMA) the specific function of territorial authorities in Section 31(1) (b) of the RMA with regard to the management of hazardous substances. The same applies to the equivalent in section 30 for the specific function of Regional Councils and the part of section 62 which provides for the split of functions within a region to be specified in a Regional Policy Statement. While that arrangement had generally worked well across the country for over 25 years, some people considered the possibility of duplication of controls under other legislation to be a problem at the time. There was little factual information or analysis provided in 2017 by the Ministry for the Environment (**MfE**) to support the removal of section 31 (1) (a) (and the equivalent in s. 30), apart from a perception of possible overlaps in the implementation with requirements of the Hazardous Substances and New Organisms (**HSNO**) Act 1996 and its regulations.

2.2 Functions of HSNO legislation

Apart from the management of new organisms the HSNO legislation is currently primarily providing for the overall approval process and classification of newly imported or manufactured hazardous substances, or the re-assessment of some selected existing hazardous substances, where that is deemed necessary. Relevant controls remaining in place under the HSNO legislation in some form relate to minimum requirements for disposal, fireworks, pesticide application and some miscellaneous provisions which are included in various EPA Notices.

The majority of the minimum substance-specific and lifecycle requirements for hazardous substances have been moved from the HSNO regime to the workplace safety legislation. All related HSNO Regulations were repealed and are not in force anymore (there appears to be a widespread lack of knowledge of this fact).

While the amendments to the HSNO legislation have reduced its overall scope significantly with regard to the management of hazardous substances, it is important to remember that the HSNO legislation is not, has actually never been, and wasn't designed to be, a land use planning statute concerned with public health and safety.

2.3 Functions of HSW legislation

2017 saw the Health and Safety at Work (Hazardous Substances) Regulations 2017 under the Health and Safety at Work (**HSW**) Act 2015 starting to come into effect. The majority of the minimum substance-specific and lifecycle requirements for hazardous substances had been moved from the

HSNO regime to the workplace safety legislation, in particular – in somewhat abbreviated form - to the HSW (Hazardous Substances) Regulations 2017. The requirements of the regulations apply to existing workplaces and are not a planning tool of any kind for the establishment of a new hazardous facility.

The purpose statement of the HSW Act 2015 refers to ‘... a balanced framework to secure the health and safety of workers and workplaces ...’. While it is debateable what balance is supposed to be achieved and what the health of a workplace is, it is clear that this is not an environmental protection or sustainability objective but one in relation to occupational health and safety.

It is claimed in some of the submissions that land use planning requirements for hazardous facilities are unnecessary as the HSNO and HSW legislation, and in particular its Regulations, provide a comprehensive, complete and maximum level of control on all hazardous substances. As an example of limitations of the HSW Regulations in managing hazardous substance risks to acceptable levels in all circumstances, below is a brief review of one aspect of the HSW (Hazardous Substances) Regulations 2017. I outline what the HSW Regulations do not require with regard to emergency management planning, and what is sensibly a resource management matter. This can be repeated for other matters in relation to the Regulations, however, in the time available it is impossible for me to document all the respective differences – this would be a task for MfE but to my knowledge has not been undertaken as yet.

The provision in the HSW (Hazardous Substances) Regulations 2017 specifying the circumstances and content of emergency response plans are in Regulations 5.6 to 5.13. They do only apply for reasonably foreseeable emergencies (Regulations 5.7 (2) and 5.7 (3)), less likely events are not necessarily covered. This is particularly important where an adverse effect of an emergency in a particular location may fall within the definition of RMA s.3(f) as one of low probability which has a high potential impact. The ability to provide for such emergencies, in addition to the minimum HSW requirements, is location specific and hence a resource management matter. Also, some of the thresholds in the Regulations are relatively high before controls apply. The higher thresholds for emergency response planning are as high as five or ten tonnes. These represent significant quantities in sensitive environments or zones which consequently rely on land use controls for emergency management if stored in quantities below these thresholds in those areas.

In addition the HSW (Hazardous Substances) Regulations do NOT provide for any of the following:

1. Any involvement of the Council, local community or even affected parties off-site to be involved in the development, testing/review or implementation of emergency response plans, be it in the form of consultation about off-site effects and the appropriate response to those, or even being informed about the existence or content of such plans;
2. Any response in terms of buildings, structures or environmental features off-site potentially affected by an emergency (specific reference in Regulation 5.7 (3) (iii) is limited to injury to persons);
3. Any response to hazardous substance emergencies off-site to manage potential cumulative effects;
4. Any information to be provided to potentially affected off-site parties BEFORE an emergency, even just to inform about the type of emergency likely or possible;
5. Any meaningful differentiation in controls for more sensitive land use activities or environments reflecting variable risks (this applies in fact to most HSW Regulations and EPA (HS) Notices).

There may be additional matters that I have not identified in the time available to compile this list. It is my professional opinion that these matter are important enough to warrant an ability to add to the minimum controls under legislation other than the RMA, when considered necessary in the resource management context.

2.3 Government position

Some submissions reflect a particular perception of central Government's position on land use planning for managing hazardous facilities. Specifically it is implied that central Government does not want local authorities to manage such land use activities.

While there is no direction from central Government in this regard, there has also not been qualified guidance for some time (the post-HSNO Land Use Planning Guide for Hazardous Facilities 2002 being the last). However, various recent Government publications clearly acknowledge the role of local Government in the RM context. As an example below are some examples from the HSNO Enforcement Report 2018 by the Environmental Protection Authority (EPA).

EPA's HSNO Enforcement Report 2018

In its HSNO Enforcement Report 2018 published in June 2019 the EPA assesses the enforcement of the HSNO Act 1996 for the 2017/18 financial year.

On the RMA the report states the obvious:

"RMA rules and consents relating to hazardous substances and new organisms are additional to HSNO and are only valid when they provide additional requirements (i.e. they cannot remove HSNO requirements)."

In the report's summary the EPA states that:

"Significant and complex hazardous substances issues have been identified through the compliance work of the agencies listed above. Some of these issues have included legacy sites that have required a high level of resources to resolve the risks to public safety. If prompt, connected, and assertive action had been taken at the appropriate time, the level of resourcing required to manage the situation may have been reduced, and the risk mitigated."

Under the heading 'Managing Environmental harm' the EPA report states on enforcement of hazardous substances controls:

"HSNO requirements could interface with, or complement territorial authority powers under other legislation to enable further hazardous substances harm reduction. Effective enforcement involves ensuring regulatory boundary issues, including the need for overlapping jurisdictions to be compatible, to ensure that any gaps identified do not exacerbate problems.

Enforcement agencies must take a wider view and consider the desired outcome. They need to be able to confidently select the most effective tool from a number of regulatory frameworks, to effectively manage wider hazardous substances issues. Issues such as management and disposal of wastes, contaminated sites, discharges to the environment and emergency management and safety cannot be addressed under a single Act within the New Zealand legal framework as it now stands.

Weaknesses noted need to be considered in this wider context. Enforcement under one, for example by councils using RMA, can manage some incidents that could also be managed under the HSNO Act. The important thing is that incidents requiring an enforcement response are noticed and responded to in one way or another."

Concerning the current regulatory context, particularly the recent transfer from HSNO to the HSW regime, the report states the following:

"With the fragmented nature of New Zealand legislation, combined with a poor understanding of the roles, and the regulatory tools available to manage hazardous substances, there is a risk that an effective response to incidents or problems may be limited because of the concern as to whether it fits within the enforcement agencies' direct jurisdiction.

There is also a general shortage of skills and knowledge across many enforcement agencies relating to hazardous substances, their hazard properties, proper treatment, and disposal. This affects not only HSNO enforcement, but enforcement of their legislative regimes and effective prioritisation of any operational activity.

The changes in legislation and the resulting transition period have meant that past non-compliance issues are now framed in a new context, which adds further complexity. This includes issues that crossed or now cross the boundaries of a number of legislative frameworks. Examples of this include confusion relating to the places where activities involving hazardous substances are being carried out.”

On the present function of the HSNO legislation managing hazardous substances and the role of local government the report finds that:

“The largest quantity of hazardous substances in any territorial council area are in workplaces and are now managed under HSWA, not the HSNO Act. Feedback from the 2017 discussions with councils indicated that a major concern was with large volumes of hazardous material, and these were almost exclusively held in workplaces. Councils will need to refocus concerns with these premises away from the HSNO Act activity and engage more in compliance activity under other legislation, such as RMA and HSWA.... While the decrease in many councils’ capabilities to undertake HSNO enforcement is a concern, in some cases it merely reflects the fact that the highest priorities relating to hazardous substances, such as storage conditions and sites with significant quantities of hazardous substances, are no longer regulated under the HSNO Act. Those councils undertaking enforcement are still adjusting to the changes of responsibilities between the different Acts, especially as the focus of previous enforcement work was workplaces that contain hazardous substances.”

2019 Report on Hazardous Substances Compliance

In 2018 MfE and the EPA set up a ‘Hazardous Substances Compliance System Technical Working Group’. The reasons for that are set out in the report referred to above:

“As a result of incidents involving the legacy of poor compliance in the past, including the Concours Electroplating incident in Timaru, the EPA is now examining the enforcement of hazardous substances regulation in a wider context. The problems have involved failings under more than one Act. An independent Technical Working Group has been set up by the EPA and the Ministry for the Environment to make recommendations for improving the national hazardous substances compliance system in general. This should help improve understanding, and ultimately performance, on those compliance issues that involve a number of different Acts and enforcement agencies.”

The terms of reference for the Technical Working Group states as context that the system comprises ‘a complex framework of legislation’ - and this specifically lists the RMA – and operations and processes that are managed by a variety of agencies, including territorial authorities. The independent Working Group reported back in June 2019 but the report has not been made publicly available at the writing of this report.

[Note: Incidentally the terms of reference also mention a review of the Health and Safety at Work (Hazardous Substances) Regulations 2017 to be conducted by MBIE and WorkSafe NZ already. The rationale for that – before the regulations are even fully in force – appears to be the wholesale transfer of requirements from the HSNO regime to the new Regulations without detailed analysis at the time.]

In the context of above, the NPS, the fact that the current Government has a different position to the previous – see the latest proposed RMA amendments – it is evident that central Government is not opposed to sensible land use management approaches such as what is proposed.

3.0 COUNCIL'S ROLE IN MANAGING LAND USE

To achieve integrated management of the effects of land use, all relevant hazards and risks should be considered together. This applies to man-made and natural hazards, and the interaction between them. It also applies to the interaction between land uses, in particular if one is the source of a man-made hazard and the other is sensitive to it. The following are matters widely acknowledged by the majority of local authorities as relevant in land use safety planning for hazardous facilities:

- The effects of hazardous facilities on any part of the natural environment and eco-systems within a district (and possibly beyond)
- The effects of hazardous facilities on public health and safety, particularly, but not exclusively, in relation to sensitive land uses
- The interaction of identified natural hazards and hazardous facilities, and possible synergistic effects due to that interaction
- Cumulative risks from hazardous facilities on different sites (in particular where a new hazardous facility is proposed in the vicinity of an existing hazardous facility)
- The reverse sensitivity effects of new sensitive land uses on existing hazardous facilities with relevant off-site risks.

In addition, adverse effects which can only be managed within the resource management regime include disruption of access or egress to nearby properties, property damage or generically business continuity of activities adversely affected by a hazardous facility, or the financial and liability risks to the local authority itself.

Where benefits of a hazardous facility are identified and quantified, the distribution of benefits must be considered in relation to the distribution of risks.

It is noted that the provisions by WDC on this matter received submissions generally in support from the Waikato Regional Council, the Waikato District Health Board, Tainui and Fire and Emergency New Zealand (FENZ).

Of the options to update and consolidate provisions or doing nothing Council has rightly chosen the former. Doing nothing, while possible, is not considered an appropriate option as it does nothing to protect people, local communities or environmental features from risks associated with specific hazardous facilities, beyond the legal minimum of other legislation in relation to matters other than land use safety planning. It is not an approach that has been favoured by the vast majority of local authorities in New Zealand in the two decades the RMA and HSNO legislation have been in place together. Specifically, it is also not an approach taken by any of the Councils neighbouring the Waikato District. This approach would expose the Waikato District Council to environmental, legal and consequently financial risks if incidents occur with adverse effects which could be prevented. The approval of buildings which turned out to be leaky under previous building legislation, or of subdivisions of contaminated land which have proven to be costly to many local authorities are relatively recent examples of where 'doing nothing' (or doing little) has led to highly undesirable results. It is not without some irony that contamination caused by the mismanagement of hazardous substances has become a more prominent matter in the RMA regime over time.

The following provides additional detail on the matters identified above.

3.1 The Effects on the Natural Environment and Eco-systems

The primary environmental statute concerned with sustainable management and the protection of the environment is the RMA. The protection of workers and workplaces is not designed, or able to achieve, protection of the natural environment or eco-systems. Relevant effects include the risks of unintended releases of toxic, eco-toxic and environmentally harmful substances and both acute and long-term consequences on the environment. While it is assumed in the proposed provisions that such adverse effects can be largely contained within a site for the vast majority of hazardous facilities (which would be permitted without any standards or performance requirements applying), some more significant facilities may need to be assessed on a case-by-case basis to establish whether the risks are acceptable in a specific location.

3.2 The Effects on Public Health and Safety

There is a widespread misconception that the HSNO and HSW legislation include specific public health and safety requirements beyond workplaces from hazardous substances activities. This is incorrect. There is no control mechanism in either legislation to influence land use beyond the boundary of a hazardous facility (being a workplace). This includes the types of land use activities, the number of people around a facility at any given time, the susceptibility to risk of the public or the environment in those areas, the comprehension of people outside the workplace of the risks originating from that workplace or a number of other matters relevant to land use safety planning. While PCBUs under the HSW legislation have a somewhat ill-defined (or sometimes misinterpreted) duty of care (under s. 36 HSWA), this cannot practically extend beyond the boundary of the facility. Apart from that the duty extends only 'as far as reasonably practicable' in any case, a requirement to provide any information, training, instruction or supervision for example is by its very definition limited to people within a workplace and cannot include the general public. There cannot be language, comprehension, physical ability or any other relevant type of test undertaken under the HSW legislation to establish compliance for any member of the public potentially affected by a hazardous substance incident. This is common sense, and there does not appear to be any case law questioning that.

It is noted that WorkSafe NZ in its Introduction to the Health and Safety at Work Act 2015 specifies that:

“The type of training, instruction or supervision required will depend on the nature of the work carried out and the experience of the workers, and the risk that workers and others, such as clients and customers, are exposed to.”

Clients and customers would generally be visitors to a workplace, not the general public outside of the workplace over which a PCBU has no control whatsoever.

The effects of land use activities involving hazardous substances on public health and safety are first and foremost a resource management matter, and activities of relevant significance (i.e., storing/using hazardous substances above specified thresholds) ought to be assessed in the land use planning context.

3.3 The Interaction between Natural Hazards and Hazardous Facilities

The issue of interaction between natural hazards (such as land instability, coastal hazards, seismic events, flooding etc.) and hazardous facilities has been recognised for some time. In particular a natural event may damage a hazardous facility and trigger the release or reaction of one or more hazardous substances with adverse effects on the surrounding environment. This is a location (and natural hazard) specific risk which is not addressed by HSNO or HSW requirements.

It is understood that particularly some flooding hazards (and potentially associated land instability) may have been identified as being relevant for the Waikato District. These matters are best addressed in a Natural Hazards section of the WDP (which I understand is the next Stage of the Plan Review process). Therefore these matters would not need to be addressed in specific controls in the provisions for the management of hazardous facilities, apart from assessment matters (information requirements) for more significant facilities, but appropriate cross-references between the two sections will need to be included in the Plan.

3.4 Cumulative Risks

Most controls under the HSNO or HSW legislation do not specifically take into account the additional risk that may result from the accumulation and concentration of a range of different hazardous substances present in different, not even necessarily adjacent, sites. For example, two facilities which store bulk flammable liquids on one and other reactive substances (such as oxidisers) on the other may present a combined cumulative off-site fire risk which may be significant and which requires an added degree of risk management. Similarly, numerous minor hazardous substance spills from different sites within a catchment may be deemed tolerable individually but may result in potentially significant adverse cumulative effects in the receiving environment. Only an assessment on a case-by-case basis can establish whether this may become significant or not. This is generally only possible through the consenting process.

3.5 Reverse Sensitivity Effects

Reverse sensitivity effects are traditionally defined in relation to amenity issues. Matters such as noise, lighting etc. are often the cause of reverse sensitivity conflicts when land uses change in an area. This can be addressed by more restrictive controls, no-complaint covenants and the like. In case of hazardous substance risks the matter is different as risks cannot be sensed, observed, detected or measured. On that basis it has become a fairly common practice to identify the issue in land use planning and, where the necessity has been established, provide for controls on more sensitive land uses near lawfully established and operating hazardous facilities. This is of specific relevance if the existing facility involves hazardous substances with hazardous properties potentially damaging to human health and property. This matter has proven to be significant for a number of major facilities in other parts of the country (e.g., Auckland Waterfront/Western Reclamation/Wynyard, Wiri industrial area – South Auckland, Dunedin Stadium). It has been acknowledged that this issue requires specific planning scrutiny in particular as risk as an adverse environmental effect is harder to manage (and even understand) than amenity issues more often associated with reverse sensitivity.

More significant hazardous facilities have an associated risk profile which can be shown on the basis of a quantitative risk assessment (**QRA**). Such an assessment may be undertaken in relation to providing assurance of the ability to continuously operate a facility if changes are proposed to the facility or to the land use surrounding the facility (within the range of relevant risk).

The management of reverse sensitivity effects is only sensible if the adverse effects (risks) of a hazardous facility are appropriately minimised in the first place. To avoid future reverse sensitivity issues it is important to assess such effects in the land use planning context initially, when a sufficiently large hazardous facility with potential for adverse effects off-site is established.

The proposed provisions provide for both matters explained above but at this point no specific facility is identified in the Plan that has reverse sensitivity controls with regard to hazardous substances risk placed around them.

It is noted that the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 do not control neighbouring land use effects with regard to risk which could affect the operation of a Major Hazard Facility. In any case there is currently no facility listed for the Waikato District in WorkSafe NZ's register of Major Hazard Facilities.

3.6 The Waikato Regional Council's position

The Waikato Regional Policy Statement (**WRPS**) became operative on 20 May 2016. Section 4.2.9 of the WRPS sets out the responsibilities for controlling the use of land to prevent or mitigate the adverse effects of the storage, use, disposal, or transport of hazardous substances. The responsibility for specifying objectives, policies and methods including rules is specified as being the District Councils in the Waikato Region in relation to all land outside of the coastal marine area and beds of rivers, lakes and other water bodies. This remains current policy until amended.

It is noted that the Waikato Regional Council made a submission on the provisions stating that the objective and associated policies address issues around sensitive land uses, incompatible activities and the environment being properly separated from hazardous facilities are supported as they are giving effect to WRPS Policy 14.4.

3.7 Approaches of Other Local Authorities around the Waikato District

WDC shall have regard to the extent the proposed Plan provisions need to be consistent with the plans of adjacent territorial authorities under RMA section 74(2)(c). While a detailed analysis of this issue was provided during the plan development process, it is noted that:

- The approaches with regard to the management of land for hazardous substances and facilities of adjacent territorial authorities has not changed in the last 3 years;
- All TAs have chosen to control the matter through District (Unitary in the case of Auckland) Plan provisions, including rules;
- Both Auckland and Otorohanga have provisions similar of what is proposed for the Waikato District, including the AST threshold quantity method;

- The scope of the proposed provisions is similar to, and consistent with, those of all adjacent districts.

3.8 Summary

Some aspects of the management of hazardous substances are sufficiently controlled through regulatory regimes other than the RMA such as the workplace safety legislation, HSNO or transport statutes, and should not be repeated in resource management plans. However, those regimes are generally limited to specific technical aspects, provide minimum requirements based on legacy legislation (Dangerous Goods, Explosives, Toxic Substances Acts etc.) and are aimed at keeping the substances safe in a workplace, rather than addressing wider environmental concerns. Requirements such as the integrity of packaging, labelling, competency of handlers etc. are matters that should not be repeated or amended in the land use planning context. However the regimes outside the RMA don't take into account land use patterns or sensitive environments, or provide for a process of local consultation and co-operation on off-site risks. These limitations are acknowledged by most local authorities in New Zealand which continue to include provisions for the land use management aspects of hazardous substance use, storage, disposal and, possibly, transport in their planning documents as part of an integrated management approach.

4.0 STRUCTURE OF PROPOSED PROVISIONS

4.1 Structure

The structure of the hazardous substances and facilities provisions as notified largely repeat the rules in the proposed zone-specific provisions of the Plan. Council decided on this approach apparently on the basis of presenting all controls together within the zone-specific provisions rather than in a specific section of the Plan. However, I recommended in 2017 a stand-alone chapter in the district-wide section of the District Plan. The advantages of that approach include:

- Less repetition
- Consistency of rules between zones in the entire district
- Addressing the misconception that hazardous facilities are limited to industrial zones
- Providing relevant provisions for man-made and natural hazards together in the Plan.

Following the National Planning Standards (**NPS**) 2019 this approach is now mandatory within a maximum period of 5 years [from April 2019, according to the Implementation Standard].

4.2 National Environmental Standards

The NPS include relevant requirements in the District-wide Matters Standard. That Standards states:

“12. If provisions relating to hazardous substances are addressed, they must be located in a chapter titled Hazardous substances under the Hazards and risks heading.

13. If the following matters are addressed, they must be located in a Hazardous substances chapter:

- a. any provision required to manage the land use aspects of hazardous substances*
- b. provisions relating to the use, storage and disposal of hazardous substances on land that presents a specific risk to human or ecological health, safety and property*
- c. provisions required to manage land use in close proximity to major hazard facilities to manage risk and reverse sensitivity issues.”*

The Definitions Standard includes as only relevant term ‘hazardous substance’, referring to the definition in the Act. Other relevant definitions can be added.

4.3 Recommendation

On the basis of the requirements of the NPS and the identified advantages I support the consolidation of the hazardous substances/hazardous facilities provisions in one chapter within a Hazards and Risks section of the Plan at this point in time, rather than make the necessary changes in the next few years. It is my understanding that the scope of submissions enables this approach.

5.0 THE AST AS METHOD TO DETERMINE THE ACTIVITY STATUS

Despite only being one specific tool in the planning framework, the method to determine the activity status of a hazardous facility is considered an important matter. Acceptable risk levels of hazardous facilities cannot be easily specified, measured and enforced, and systems combining quantities and hazard levels as an approximation of risk are generally applied. This approximation is well established, and actually used to determine the applicability of many hazardous substance controls under the HSNO and HSW legislation as well.

The Activity Status Table (AST) proposed (Table 5.1, Appendix 5) is similar to the one in the Operative Waikato District Plan – Waikato Section. It was developed in the early 2000s as a simpler and more user-friendly alternative to other methods. The AST has now been adopted by about 12 TAs, in some cases (such as the Waikato District Plan – Waikato Section, Rotorua District, Ruapehu District, Thames-Coromandel District and Auckland) replacing a more complex method. The AST generally covers all relevant HSNO sub-classes for hazards. The permitted quantities in the AST are largely derived from standardised use and storage scenarios and provide a high degree of consistency between the TAs that have adopted the method. The thresholds are reasonably permissive and result in relatively low numbers of consent applications.

The main reasons for the investigation and adoption of the AST by District Councils were the problems some territorial authorities faced in applying the more complex method adopted in their District Plans correctly, as well as the increasing acceptance that a simpler alternative would lead to a higher level of compliance. By stating permitted quantities directly in the plan, there is no need for the plan to explain mathematical operations, and therefore it simplifies the task of identifying the activity status of hazardous facilities.

Another feature of the AST is that it refers directly, and only (with the exception of high BOD substances), to the HSNO classifications of substances. This allows for much easier identification of the specific hazards of substances in the New Zealand context. Overall administration of this system is much simpler than under more complex systems (such as the HFSP currently used by Hamilton City). In most cases applicants should be able to establish themselves if they need consent, instead of relying on Council staff or specialists to assist with assessment.

The definition of the substances classes and subclasses in the AST are based on those in the Hazardous Substances Classifications Regulations 2001 which assists in the classification of substances for planning purposes (as their HSNO classification is known). It also ensures consistency with the controls and management approach under the HSNO and HSW legislation. The advantage compared to substance lists is that only the quantities of substance categories and classes are necessary, not of individual substances.

There are some HSNO subclasses for which specific land use controls are often not considered to be necessary. This is either due to their lower hazard level compared to other substances or the perception of other requirement being adequate. For example, some hazard categories for (particularly chronic) toxicity are not included as they are more likely to be a workplace health issue, or adverse effects are more likely caused by intended application or discharge (the control of which is a Regional Council function). In particular the numerous categories of toxic or eco-toxic substances are not fully reflected in the proposed provisions due to the main sub-classes of 6.1 (acute human toxicity) and 9.1 (aquatic toxicity) being the most important within their class. Specific sub-classes not included in the AST are 1.4, 1.5, 1.6, 6.1D, 6.1E, 6.3, 6.4, 6.5, 9.1D, 9.2D, and 9.3. [It is noted that the Environmental Protection Agency (EPA) is working on a different nomenclature for the various HSNO classes, based on international agreements such as the Globally Harmonised System (GHS). However, at the writing of this report that work has not been finalised.]

The aggregate quantity thresholds defining the activity status in the AST within hazard classes are largely based on previously developed scenarios for the storage of substances, and consequently have been subject to analysis and scrutiny when proposed for inclusion in the planning process. The aggregate quantity thresholds defining the activity status in the AST such as in the Waikato Section of

the WDP, in Auckland, Kaipara or Thames-Coromandel are based on the work carried out in the early 1990s by a national Review Group which also included an Australian reviewer (Professor Mark Tweeddale of the University of Sydney). The development and application of the principles and relevant values/thresholds of both HFSP and AST have been subject to repeated rigorous analysis over several decades. A more detailed analysis with examples of how thresholds were set (such as for LPG) have been provided during the Plan development process and are not repeated here.

The 'buffer' provisions currently adopted by most Councils that have this method are unique for substances with specific hazardous properties, and consequently can be more precisely targeted than buffer zones sometimes adopted with a more complex method such as the HFSP.

It is noted that a number of territorial authorities use substance (class or category) lists not too dissimilar to the AST but with varying thresholds, some of which may be based on historically used limits of legacy plans for the district. Such TAs include Western Bay of Plenty, Dunedin and Invercargill.

A few Councils have started to use activity or substance specific lists again which are basically specific to individual business sectors or chemicals, and often represent a historical link to what was considered 'noxious industries'. They have the advantage of being relatively clear and simple but have numerous disadvantages. These include potential confusion about scope (e.g., the term 'milk processing' may include bulk storage of chemicals or apply equally to an artisan cheese maker, the term 'chemical storage' to a small warehouse or a bulk storage facility) and, by its very nature, the limitation to the listed activities or substances. The activity status of substances or activities/industries not listed is often unclear. The quantity thresholds for listed substances are often based on historical precedents or perceptions and do not necessarily reflect current thinking. Some TAs have adopted a combination of substance and activity lists – potentially leading to confusion which one is supposed to be used to establish an activity status.

Generally controls in Plans that have activity and/or individual substance threshold lists are by their very nature activity rather than effects (risk) based. This can lead to inconsistencies between activities with cases of more significant adverse effects not included being treated more permissive than specified activities with lower risk. Assessment matters or information requirements are often not stated. These matters can often also lead to either gaps or overlaps in land use planning requirements between different parts within one Plan where, for example, amenity issues or nuisance effects (e.g., smoke, dust, odour) are addressed differently.

Based on my experience, good planning practice and a desire to provide for a clear, consistent and fair methodology, I support WDC's decision to select the AST as the method to determine the activity status of hazardous facilities. Replacing the AST with one of the alternatives used in some parts of the country would lead to increased confusion, inconsistencies and increased risks due to likely lack of compliance. This could set an undesirable precedent for the Waikato Region and beyond.

6.0 REFERENCES

Auckland Unitary Plan: Operative in Part 2016

EPA, HSNO Enforcement Report 2018

EPA/MfE, Review of Hazardous Substance Compliance System, 2019 [yet to be made publicly available]

Hazardous Substances and New Organisms Act 1996

Health and Safety at Work Act 2015

Health and Safety at Work (Hazardous Substances) Regulations 2017

Health and Safety at Work (Major Hazard Facilities) Regulations 2016

National Planning Standard, April 2019

Operative Otorohanga District Plan, October 2014

Resource Legislation Amendment Act 2017

Resource Management Act 1991

WorkSafe NZ, Introduction to the Health and Safety at Work Act 2015 – special guide

APPENDIX 1

APPENDIX I – Technical Comments Addressing Individual Submission Points

I.1 All of Chapter Submissions

Submission point	Submitter	Summary of submission	Reason	Technical Discussion for S42A and Recommendation
680.119	Federated Farmers of New Zealand	<p>Delete Chapter 10 - Hazardous substances.</p> <p>AND</p> <p>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.</p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p>	<p>Federated Farmers is 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 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.</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed. The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose. -</p> <p>REJECT</p>
697.569	Waikato District Council	<p>Add a new introduction in Chapter 10: Hazardous Substances and Contaminated Land as follows: 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. 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</p>	<p>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.</p>	<p>While not essential or mandatory, an introduction will assist in clarifying the purpose of the provisions and reduce confusion about Council's position. –</p> <p>ACCEPT</p>

		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.		
942.68	Tainui	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 (with regard to hazardous substances)
81.229	Waikato Regional Council	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 I4.4.	Confirms required relationship with WRPS. – ACCEPT
466.49	Balle Bros Group Limited	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 that the submitter 'opposes in part' Section 10.1 Hazardous substances.	The Plan should not duplicate the Hazardous Substances and New Organisms Act and the Health and Safety at Work Regulations, 2017.	The provisions do not duplicate requirements of the Hazardous Substances and New Organisms Act 1996 or any Health and Safety at Work Regulations. There a number of HSW Regulations – generic 'Health and Safety at Work Regulations, 2017' do not exist. – REJECT
581.42	Synlait Milk Ltd	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.	The proposed provisions do not duplicate requirements of other legislation. Hazardous facilities are not limited to the Heavy Industry Zone, and the general zoning provisions of that zone (or any other) are not specifically directed towards hazardous substances management. Hazardous substances provisions are to be included in district-wide section of the Plan, not the zone specific sections, in accordance with the National Planning Standards 2019. – REJECT
797.18	Fonterra Limited	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.	The provisions do not duplicate requirements of other legislation. While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, the reverse conclusion that the limited provisions proposed are ultra vires is incorrect. Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment. – REJECT

1.2 Objective 10.1.1

Submission Point	Submitter	Summary of Submission	Reasons	Technical Discussion for S42A and Recommendation
378.8	Fire and Emergency New Zealand	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.	This is the position of a relevant independent organisation. – ACCEPT IN PART (subject to Council's amendments)
419.77	Horticulture New Zealand	Retain Objective 10.1.1 Effects of hazardous substances, as notified.	The objective is very similar to the objective in the Christchurch decision.	ACCEPT IN PART (subject to Council's amendments)
578.110	Ports of Auckland Limited	Retain Objective 10.1.1 Effects of hazardous substances, as notified.	Support objective as notified.	ACCEPT IN PART (subject to Council's amendments)
680.120	Federated Farmers of New Zealand	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.	The purpose of District Plan provisions is the management of hazardous facilities in the land use context, not the management of substances per se. The issue of the definition of 'hazardous facility' is addressed in relation to submission point on definitions at the end of this table. - REJECT
692.39	WEL Networks Limited	Retain Objective 10.1.1 Effects of Hazardous substances.	The provision sets a clear direction for hazardous facilities.	ACCEPT IN PART (subject to Council's amendments)
785.41	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – 'Oil Companies'	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.	While there is general support expressed, the inclusion of storage and disposal is rather specific. It may be more useful to replace the term 'using' after 'benefits of facilities' with 'managing' (hazardous substances). – ACCEPT IN PART (subject to Council's amendments)
827.22	New Zealand Steel Holdings Ltd	Retain Objective 10.1.1 Effects of hazardous substances as notified.	Support these provisions.	ACCEPT IN PART (subject to Council's amendments)
923.131	Waikato District Health Board	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 IN PART (subject to Council's amendments)

1.3 Policy 10.1.2

Submission Point	Submitter	Summary of Submission	Reasons	Technical Discussion for S42A and Recommendation
378.9	Fire and Emergency New Zealand	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 (subject To Council's amendments)
419.78	Horticulture New Zealand	Amend Policy 10.1.2 Location of new hazardous facilities, as follows: (a) New hazardous facilities <u>to store hazardous substances</u> minimise the risk to the environment (including people and property) <u>to acceptable levels</u> 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.	This is more concerned with the definition of 'hazardous facility' and addressed at the end of this table. – REJECT
578.111	Ports of Auckland Limited	Retain Policy 10.1.2 Location of new hazardous facilities, as notified.	Support policy as notified.	ACCEPT IN PART (subject To Council's amendments)
680.121	Federated Farmers of New Zealand	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 <u>such as sensitive land use and infrastructure and environment;</u> (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 <u>avoided, remedied or mitigated</u> 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.	The duplication is addressed in Council's submission and re-wording is supported. Using generic terminology of the RMA such as 'avoid, remedy or mitigate' is not good planning practice and not supported. – ACCEPT IN PART
692.59	WEL Networks Limited	Retain Policy 10.1.2 Location of new hazardous facilities.	Sets a clear direction for hazardous facilities.	ACCEPT (subject To Council's amendments)
697.571	Waikato District Council	Amend Policy 10.1.2 Location of new hazardous facilities heading as follows: Policy - Location of new hazardous facilities	Provides clarity that this policy applies to all hazardous facilities, not just 'new' facilities.	The clarification is supported. – ACCEPT
697.572	Waikato District Council	Amend Policy Location of new hazardous facilities 10.1.2(a) as follows: (a) New Hazardous facilities must 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	Ensures policy applies to all hazardous facilities, not just 'new' facilities. Re-wording provides clarity to the policy.	The clarification is supported. – ACCEPT

		activities, including infrastructure, and sensitive 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 and avoiding the storage, processing or disposal of hazardous wastes in sensitive environments.		
785.42	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – ‘Oil Companies’	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 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).	It is unclear how risk minimisation of hazardous facilities is “largely” a matter for HSNO and the HSWA as neither refers to, or deals specifically with, hazardous facilities. Risk is also not to be ‘avoided’ in the policy but to be ‘minimised’. Insofar the submission is incorrect. – REJECT
827.23	New Zealand Steel Holdings Limited	Retain Policy 10.1.2 Location of new hazardous facilities as notified.	Supports these provisions	ACCEPT IN PART (subject To Council's amendments)
923.132	Waikato District Health Board	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 (subject To Council's amendments)

1.4 Policy 10.1.3

Submission Point	Submitter	Summary of Submission	Reasons	Technical Discussion for S42A and Recommendation
378.10	Fire and Emergency New Zealand	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 IN PART (subject To Council's amendments)
419.79	Horticulture New Zealand	Amend Policy 10.1.3 (a) Residual risks of hazardous substances, as follows: (a) Facilities for 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’.	The identification and assessment of potential adverse effects (including cumulative risks and potential effects of identified natural hazards) in the land use context is not required under any regulation outside the RMA framework. The reference to ‘facilities’ clarifies the land use context as controls are not applied to substances per se. – REJECT
466.64	Balle Bros Group Limited	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.	The provisions do not duplicate requirements of other legislation. Land use safety planning falls within the scope of the RMA role of TAs, and the policy is part of that. – REJECT

578.112	Ports of Auckland Limited	Retain Policy 10.1.3 Residual risks of hazardous substances, as notified.	Support policy as notified.	ACCEPT IN PART (subject to Council's amendments)
680.122	Federated Farmers of New Zealand	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, 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. 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. (b) 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. (c) 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. AND Any consequential changes needed to give effect to this relief.	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 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 seek 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.	A garden shed or storage cupboard in the laundry or garage would NOT trigger any requirement for a user of garden sprays to identify and assess adverse effect as permitted activities do not have any performance standards that they need to meet. Thresholds of acceptable risks posed by hazardous substances in the land use planning context are available – the development of any national standard or the like based on those would not be the role of the Waikato District Council but MfE. The issue of the definition of 'hazardous facility' is addressed at the end of this table. – REJECT
692.60	WEL Networks Limited	Retain Policy 10.1.3 Residual risks of hazardous substances.	Sets a clear direction for hazardous facilities.	ACCEPT IN PART (subject to Council's amendments)
697.573	Waikato District Council	Amend Policy 10.1.3 Residual risks of hazardous substances heading as follows: Policy – Residual Assessment of risks of hazardous substances	Headings should be precise and this change provides for identification and assessment of risks.	ACCEPT IN PART (subject to Council's amendments)
785.43	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – 'Oil Companies'	Amend Policy 10.1.3 Residual risks of hazardous substances heading as follows: Policy – Residual Assessment of risks of hazardous substances	Headings should be precise and this change provides for identification and assessment of risks.	ACCEPT IN PART (subject to Council's amendments)
827.24	New Zealand Steel Holdings Ltd	Retain Policy 10.1.3 Residual risks of hazardous substances as notified.	Supports these provisions.	ACCEPT IN PART (subject to Council's amendments)
923.133	Waikato District Health Board	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 IN PART (subject to Council's amendments)

I.5 Policy 10.1.4

Submission Point	Submitter	Summary of Submission	Reasons	Technical Discussion for S42A and Recommendation
419.80	Horticulture New Zealand	Amend Policy 10.1.4(a) Reverse sensitivity effects, as follows: (a) Separate sensitive land use activities from <u>areas where use and storage of hazardous substances</u> islawfully 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.	Addressed with definitions at the end of this table.
466.2	Balle Bros Group Limited	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.	Addressed with definitions at the end of this table.
578.113	Ports of Auckland Limited	Retain Policy 10.1.4 Reverse sensitivity effects, as notified.	Support policy as notified.	ACCEPT IN PART (subject to Council's amendments)
680.123	Federated Farmers of New Zealand	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.	It is correct that this is an error and it is addressed in Council's own submission. – ACCEPT
692.61	WEL Networks Limited	Retain Policy 10.1.4 Reverse sensitivity effects.	Sets a clear direction for hazardous facilities.	ACCEPT IN PART (subject to Council's amendments)
697.574	Waikato District Council	Amend Policy 10.1.4 Reverse sensitivity effects as follows: (a) Separate <u>as far as practicable</u> sensitive land use activities from lawfully-established hazardous facilities;(b) <u>Separate new hazardous facilities from existing sensitive land use activities; and (c) Avoid the storage, processing or disposal of hazardous waste in sensitive environments.</u>	This would provide clarity to this policy and support the changes requested under other submission points.	The clarification is supported. – ACCEPT
785.44	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – 'Oil Companies'	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 <u>and</u> 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 waste in sensitive environments is not considered appropriate in the context of reverse sensitive effects and therefore should be <u>detailed</u> from the policy.	ACCEPT IN PART (subject to Council's amendments)
827.25	New Zealand Steel Holdings Ltd	Retain Policy 10.1.4 Reverse sensitivity effects as notified.	Supports these provisions.	ACCEPT IN PART (subject To Council's amendments)

I.6 Chapter 14 – Infrastructure

Submission point	Submitter	Summary of submission	Reason	Technical Discussion for S42A and Recommendation
419.105	Horticulture New Zealand	<p>Amend Rule 14.4.4(a)NC8 Non-Complying Activities as follows:</p> <p>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.</p> <p><u>The storage and handling of hazardous substances HSNO Classes 2-4 with explosive or intrinsic flammable properties in the National Grid Yard.</u></p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>	<p>The identification of hazardous substances to be stored in the National Grid Yard should be defined by HSNO class.</p> <p>The classes for explosive or flammable properties are Class 2-4.</p>	<p>While the definition of explosive and flammable properties by HSNO classes would have some merit, it is not strictly necessary. Explosive properties are included in any case in Class 1, not Classes 2-4. The remainder of the proposed amended wording appears to provide rather less than more clarity and accuracy. 'National Grid Transmission Lines' and 'National Grid Yard' also appear to be different things.</p> <p>- REJECT</p>

I.7 Chapter 16 – Residential Zone

I.7.1 Rule 16.2.5 Hazardous substances

Submission point	Submitter	Summary of submission	Reason	Technical Discussion for S42A and Recommendation
785.45	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	<p>Delete Rule 16.2.5 - Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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 Substances 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:</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; 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>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.</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.</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>- REJECT</p>

			<p>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 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>	
378.24	Fire and Emergency New Zealand	<p>Add a clause to Rule 16.2.5 Hazardous substances, as follows:</p> <p>16.2.5 Hazardous substances</p> <p>(a) The use, storage or disposal of any hazardous substance where:</p> <p>(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).</p> <p><u>(ii) 16.2.5(a)(i) excludes the 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 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 Emergency New Zealand's ability to operate as effectively as needed.</p> <p>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:</p> <ul style="list-style-type: none"> 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 classifications 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 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. 	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Auckland Unitary Plan process identified similar issues and, after review, it was decided that only compressed air could possibly be considered to be affected by potentially unnecessary consent requirements. Corrosives were not considered to require any exemption.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. While there is currently no station in a residential zone there are a couple in the Village zone. I do not have a view if the establishment of new stations in a residential or otherwise classified as sensitive zone is likely. The only hazard category which could be above the threshold in Table 5.1 is sub-class 8.3A. If that is considered an issue a specific rule could be introduced which permits the storage of 8.3A substances to the same level as for the rural and reserves zones.</p> <p>– NEUTRAL</p>
697.113	Waikato District Council	<p>Amend Rule 16.2.5 PI(a)(i) Hazardous substances to read as follows:</p> <p>(a) The use, storage or disposal of any hazardous substance <u>must meet the following conditions</u>where:</p> <p>(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 <u>contained within</u>Appendix 5 (Hazardous</p>	<p>Provides clarity to the rule and alignment with other zone chapters. Deletion of words "contained within" provides clarification to this rule.</p>	<p>Provides clarity. – ACCEPT</p>

			Substances).		
697.114	Waikato Council	District	Add Rule 16.2.5 NC1 Hazardous substances as follows: <u>NC1</u> <u>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.	The actual activity status in sensitive zones is not a technical matter. – NEUTRAL
697.115	Waikato Council	District	Add Rule 16.2.5 NC2 Hazardous substances as follows: <u>NC2</u> <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.</u>	Replicate the hazardous facilities rule within the National Grid from Chapter 14 into Chapter 16 for increased clarity and usability of the Plan.	Formatting issue – NEUTRAL

1.8 Chapter 17 – Business Zone

1.8.1 Rule 17.2.5.4 Hazardous substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.84	Fire and Emergency New Zealand	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. <u>(iii) Rule 17.2.5.4 (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.	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 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 bring in the necessary products to resolve the issue and prevent harm to people or the environment.	There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones. The Business Zone permits the storage of 6 TONNES of Class 8.3A substances (compared to 2 TONNES in all Business zones in the current provisions of the Operative Plan – Waikato Section) – this is NOT what can be expected as the quantity of 'ordinary household chemicals' on any site in this zone. I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. The reply indicated that there are no substance (classes) stored above permitted levels. – REJECT
697.184	Waikato Council	Delete Rule 17.2.5.4 PI (a)(ii); AND Add new Permitted Activities Rule 17.2.5.4(P2), as follows:	For consistency with other chapters and also to recognise that the storage or use of radioactive substance is a separate activity.	Formatting Issue – Neutral

		<p><u>P2 (a) 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.</u></p> <p>AND</p> <p>Amend Rule 17.2.5.4(D1) Hazardous substances as follows:</p> <p>The use, storage or disposal of any hazardous substances that does not comply with Rule 17.2.5.4 P1 <u>or P2.</u></p>		
697.185	Waikato District Council	<p>Add new Non-Complying Rule 17.2.5.4 NCI, as follows:</p> <p><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></p>	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.	Formatting Issue – Neutral
697.186	Waikato District Council	<p>Amend Rule 17.2.5.4 DI Hazardous substances, as follows:</p> <p><u>D12</u> service station that does not comply with Rule 17.2.4.5.4 CI.</p>	Correct numbering error.	Correction - Accept
785.46	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited – Oil Companies	<p>Delete Rule 17.2.5.4 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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. 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; 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>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.</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 particular 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.</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>- REJECT</p>

		<p>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 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>	
--	--	---	--

1.9 Chapter 18 – Business Town Centre

1.9.1 Rule 18.2.5 Hazardous substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.92	Fire and Emergency New Zealand	<p>Amend Rule 18.2.5 Hazardous substances, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substances where:</p> <p>(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).</p> <p><u>(ii) Rule 18.2.5 (a) (i) does not apply to 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 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:</p> <p>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> <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.</p> <p>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.</p> <p>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>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Business Town Centre Zone permits the storage of 6 TONNES of Class 8.3A substances (compared to 2 TONNES in all Business zones in the current provisions of the Operative Plan – Waikato Section) – this is NOT what can be expected as the quantity of 'ordinary household chemicals' on any site in this zone.</p> <p>The Auckland Unitary Plan process identified similar issues and, after review, it was decided that only compressed air could possibly be considered to be affected by potentially unnecessary consent requirements.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. The reply indicated that there are no substance (classes) stored above permitted levels. – REJECT</p>
697.265	Waikato District Council	<p>Amend Rule 18.2.5 Hazardous substances, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substances where<u>must</u></p>	Amend the hazardous substances rule to align with other chapters.	Formatting Issue – Neutral

		<p>meet the following conditions:</p> <p>(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).</p>		
697.266	Waikato District Council	<p>Add to Rule 18.2.5 Hazardous substances, as follows:</p> <p><u>D2 A service station that does not comply with Rule 18.2.5 C1.</u></p> <p>AND</p> <p>Amend Rule 18.2.5 Discretionary Activities Rule D1, as follows:</p> <p>The use, storage or disposal of hazardous substances that do not comply with Rules 18.2.5 P1 or P2 or C1.</p>	Insert rule for service stations that do not comply with the permitted activity conditions for consistency with other chapters.	Formatting Issue – Neutral
697.267	Waikato District Council	<p>Add new Rule 18.2.5 NCI Hazardous substances, as follows:</p> <p><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></p>	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.	Formatting Issue – Neutral
785.47	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	<p>Delete Rule 18.2.5 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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 Substances 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:</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; • 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>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed. The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>- REJECT</p>

			<ul style="list-style-type: none"> 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 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. 	
--	--	--	--	--

I.10 Chapter 19 – Business Zone Tamahere

I.10.1 Rule 19.2.5 Hazardous Substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.100	Fire and Emergency	<p>Amend Rule 19.2.5 Hazardous Substances, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substance where:</p> <p>(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);</p> <p>(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.</p> <p>(iii) Rule 19.2.5(a)(i) excludes fire stations and associated 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 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 fire fighting activities are excluded from Rule 19.2.5 for the following reasons:</p> <p>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> <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.</p> <p>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>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Business Zone Tamahere permits the storage of 6 TONNES of Class 8.3A substances (compared to 2 TONNES in all Business zones in the current provisions of the Operative Plan – Waikato Section) – this is NOT what can be expected as the quantity of 'ordinary household chemicals' on any site in this zone.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. The reply indicated that there are no substance (classes) stored above permitted levels. – REJECT</p>
697.588	Waikato District Council	<p>Amend Rule 19.2.5 (PI) Earthworks, as follows:</p> <p>(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 6.1 contained</p>	Alignment with the rules in other chapters.	Formatting Issue – Neutral

		<p>within Appendix 65 (Hazardous Substances) (b) The storage or use of radioactive materials is:</p> <p>(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>Add Rule 19.2.5 (P2), as follows:</p> <p><u>P2</u></p> <p>(a) The storage or use of radioactive materials is:</p> <p>(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 DI Earthworks, as follows;</p> <p>Any activity that does not comply with Rule 19.2.5 P1 <u>or P2</u>.</p>		
697.589	Waikato District Council	<p>Add a new non-complying activity in Rule 19.2.5 Hazardous Substances, as follows:</p> <p><u>NCI</u></p> <p><u>The storage of fuel for retail sale within a service station.</u></p>	Include a rule regarding service stations as a non-complying activity.	Actual activity status is Council policy, not a technical matter – NEUTRAL
785.48	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	<p>Delete Rule 19.2.5 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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: 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.</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>- REJECT</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. 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". 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.</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.</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 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>	
--	--	--	---	--

1.11 Chapter 20 – Industrial Zone

1.11.1 Rule 20.2.6 Hazardous Substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.104	Fire and Emergency New Zealand	<p>Amend Rule 20.2.6 Hazardous Substances, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substance where:</p> <p>(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 51 contained within Appendix 5 (Hazardous Substances).</p> <p><u>(ii) Rule 20.2.6 (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 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:</p> <p>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> <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.</p> <p>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.</p> <p>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>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Industrial Zone permits the storage of 6 TONNES of Class 8.3A substances (compared to 2 TONNES in all Business zones in the current provisions of the Operative Plan – Waikato Section) – this is NOT what can be expected as the quantity of 'ordinary household chemicals' on any site in this zone.</p> <p>The Auckland Unitary Plan process identified similar issues and, after review, it was decided that only compressed air could possibly be considered to be affected by potentially unnecessary consent requirements.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. The reply indicated that there are no substance (classes) stored above permitted levels. – REJECT</p>

402.7	Tuakau Limited	Proteins	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).	The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed. The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose. - REJECT
465.10	Buckland Limited	Marine	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.	The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed. The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose. - REJECT
543.7	Fellrock Developments Limited and TTT Products Limited		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.	Industry view on proposal – ACCEPT
578.3	Ports of Auckland Limited		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.	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.	Provide required clarification with regard to Horotiu Industrial Park if necessary - NEUTRAL
578.4	Ports of Auckland Limited		Amend Rule 20.2.6 DI Hazardous Substances, from a discretionary activity to a restricted discretionary activity, as follows: <u>RDI</u> The use storage or disposal of any hazardous substances that does not comply with Rule 20.2.6 PI, P2 or	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.	Council policy, not a technical matter. – NEUTRAL

			<p>CI.</p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i) the proposed operation and site layout;</u></p> <p><u>(ii) the separation distances from the receiving environment and other land uses;</u></p> <p><u>(iii) the degree and acceptability of residual risk;</u></p> <p><u>(iv) consideration of potential health and environmental hazards and exposure pathways arising from the proposed facility;</u></p> <p><u>(v) minimising potential cumulative risks including in conjunction with other nearby hazardous facilities;</u></p> <p><u>(vi) proposed emergency management planning;</u></p> <p><u>(vii) transport routes times and frequencies for the transport of hazardous substances on and off-site;</u></p> <p><u>(viii) waste management;</u></p> <p><u>(ix) compliance with relevant codes of practice and standards for specific materials/substances;</u></p> <p><u>(x) measures to minimise to mitigate potential adverse effects that may result from natural hazards; and</u></p> <p><u>(xi) the social and economic benefits of hazardous facilities.</u></p> <p>OR</p> <p>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).</p> <p>AND</p> <p>Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>		
697.628	Waikato Council	District	<p>Amend Rule 20.2.6 CI(b)Hazardous Substances B, as follows:</p> <p>B. interaction with natural hazards (flooding, instability), as applicable <u>and</u> proposed emergency management planning (spills, fire and other relevant hazards);</p>	Wording provides clarity to the rule.	Wording clarification. – ACCEPT
697.629	Waikato Council	District	<p>Add a new Rule 20.2.6 NCI Hazardous Substances:</p>	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.	Formatting matter – NEUTRAL

		<p><u>NCI</u></p> <p><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.</u></p>		
785.49	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	<p>Delete Rule 20.2.6 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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 Substances 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:</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; • 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>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.</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 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</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose. While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>- REJECT</p>

			deleted.	
--	--	--	----------	--

1.12 Chapter 21 – Industrial Zone Heavy

1.12.1 Rule 21.2.6 Hazardous substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.110	Fire and Emergency New Zealand	<p>Amend Rule 21.2.6 Hazardous Substances, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substance where:</p> <p>(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).</p> <p><u>(ii) Rule 21.2.6 (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 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:</p> <p>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> <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.</p> <p>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.</p> <p>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>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Industrial Zone Heavy permits the storage of 6 TONNES of Class 8.3A substances – this is NOT what can be expected as the quantity of 'ordinary household chemicals' on any site in this zone.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. The reply indicated that there are no substance (classes) stored above permitted levels. – REJECT</p>
581.36	Synlait Milk Ltd	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.	The use of land for managing hazardous substances is not limited to the Heavy Industrial Zone. There are no hazardous substance specific requirements included in the Heavy Industrial Zone provisions which are additional to those that apply elsewhere. - REJECT
697.703	Waikato District Council	<p>Add new Rule 21.2.6 (NC1) Hazardous substances, as follows:</p> <p><u>NC1</u></p> <p><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.</u></p>	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.	Formatting matter. – NEUTRAL
697.708	Waikato District Council	<p>Amend Rule 21.2.6 PI(a)(i) Hazardous substances, as follows:</p> <p>(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).</p>	The removal of the words "contained within" are not necessary.	Formatting matter – ACCEPT
785.1	Z Energy Limited,	Delete Rule 21.2.6 – Hazardous	The proposed provisions are opposed and the submitter seeks the deletion of all proposed hazardous substances controls relating to storage, use,	

	<p>BP Oil NZ Limited and Mobil Oil NZ Limited</p>	<p>Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<p>disposal or transportation of hazardous substances at service station sites (as broadly defined) or refuelling 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 Substances 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:</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; • 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>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.</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 particular 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 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>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>- REJECT</p>
<p>924.32</p>	<p>Genesis Limited Energy</p>	<p>Amend Rule 21.2.6- Hazardous Substances as follows:</p> <p><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</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).</p> <p>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</p>	<p>The Health and Safety at Work (HSW) Act 2015 has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>Existing use rights apply to permitted or currently consented quantities of hazardous substances used or stored at the Huntly Power Station. A significant increase of that would appropriately trigger a consent. I do not consider that there are technical or environmental reasons to treat this site differently to other industrial sites.- REJECT</p>

		<p><u>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:</p> <p>(a) The use, storage or disposal of any hazardous substance where:</p> <p>(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</p> <p><u>(ii)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>	gas reception area and operation of the water intake structures on the banks of the Waikato River.	
--	--	--	--	--

1.13 Chapter 22 – Rural Zone

1.13.1 Rule 22.2.4 Hazardous substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
330.85	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.2.4 Hazardous substances.	No reasons provided.	No relief or reasons provided. Reject submission.
349.4	Kim Robinson on behalf of Lochiel Farmlands Limited	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 submission. Clearly an error.
378.33	Fire and Emergency New Zealand	<p>Amend Rule 22.2.4 Hazardous substances, as follows: 22.2.4 Hazardous substances</p> <p>(a) The use, storage or disposal of any hazardous substances where:</p> <p>(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).</p> <p><u>(ii) Rule 22.2.4 (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 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:</p> <p>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> <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.</p> <p>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.</p> <p>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</p>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Rural Zone permits the storage of 2 TONNES of Class 8.3A substances – this is NOT what can be expected as the quantity of 'ordinary household chemicals' on any site in this zone.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station The reply indicated that there are no substance (classes) stored above permitted levels. . – REJECT</p>

			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.	
419.14	Horticulture New Zealand	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.	The opinion of the submitter on Activity Status Tables is not shared. They are widely used, proven methods to determine an activity status. References are to be checked and corrected if wrong. – ACCEPT IN PART (references)
419.15	Horticulture New Zealand	Delete Rule 22.2.4 PI Hazardous Substances 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.	The use, storage or disposal of hazardous substances should be permitted unless there are specific resource management reasons why specific rules and controls should be included.	There are no land use planning requirements other than through the RMA process. – REJECT
419.16	Horticulture New Zealand	Amend Rule 22.2.4 DI 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.	Council policy, not a technical matter. – NEUTRAL
466.17	Balle Bros Group Limited	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.	The provisions do not duplicate requirements of other legislation. There is no additional level of regulation proposed but largely maintenance of the status quo. – REJECT
680.209	Federated Farmers of New Zealand	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 5.1 contained within Appendix 5 (Hazardous Substances), <u>with the exception of: ...</u> <u>(ii) Activities that involve the storage, use, disposal and transportation of</u>	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 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 a 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	THE AST is one of the easiest methods to determine the activity status of hazardous facilities. It is unclear how consents can be triggered for substances of exempt hazard classes. The problem of referencing external standards of varying content, purpose and lack of input by Council and local communities is well documented and should be avoided, regardless of lack of applicability in this instance in the land use planning context in any case. – REJECT

		<p><u>agricultural, hazardous substances and fuels on land used for primary production that complies with:</u></p> <p>(a) <u>NZS8409:2004 Management of Agrichemicals;</u></p> <p>(b) <u>The Hazardous Substances and New Organisms Act 1996 (HSNO) and Regulations</u></p> <p>(c) <u>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;</u></p> <p>(d) <u>The storage and use of fertiliser within the Rural Zone in accordance with the:</u></p> <ul style="list-style-type: none"> • <u>Fertiliser (Corrosive) Group Standard HSR002569, and</u> • <u>Fertiliser (Oxidising) Group Standard HSR002570, and</u> • <u>Fertiliser (Subsidiary Hazard) Group Standard HSR002571, and</u> • <u>Fertiliser (Toxic) Group Standard HSR002572, and</u> • <u>Fert Research's Code of Practice for Nutrient Management 2007.</u> <p>AND Any consequential changes needed to give effect to this relief.</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>	<p>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 PI.</p>	
697.777	Waikato District Council	<p>Amend Rule 22.2.4 PI(a)(i) Hazardous substances, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substances must meet the following conditionswhere:</p> <p>(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).</p>	<p>The removal of the words "contained within" are not necessary. Reference to appendix 6 is incorrect as is a minor error.</p>	<p>Formatting matter – NEUTRAL</p>
697.778	Waikato District Council	<p>Add a new non-complying activity (NC1) to Rule 22.2.4 Hazardous substances ,as follows:</p> <p><u>NC1</u></p> <p><u>Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties</u></p>	<p>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.</p>	<p>Formatting matter – NEUTRAL</p>

		within 12m of the centre line of a National Grid Transmission Line.		
785.2	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	<p>Delete Rule 22.2.4 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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 Substances 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:</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; • 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>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.</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 particular 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 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>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>- REJECT</p>
797.27	Fonterra Limited	<p>Delete Rule 22.2.4 Hazardous substances.</p> <p>AND</p>	<p>The Resource Legislation Amendments Act 2017 amended RMA to remove hazardous substances as an explicit function of Council.</p> <p>The Plan does not provide justification for inclusion of provisions.</p>	<p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment. -</p>

		Any consequential amendments or further relief to give effect to the concerns raised in the submission.		REJECT
924.36	Genesis Limited Energy	<p>Amend Rule 22.2.4 PI Hazardous Substances as follows:</p> <p>(a) The use, storage or disposal of any hazardous substance where:</p> <p>(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</p> <p><u>(ii) 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></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).</p> <p>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>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment. -</p> <p>REJECT</p>

1.14 Chapter 23 – Country Living Zone

1.14.1 Rule 23.2.4 Hazardous substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
330.98	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 23.2.4 Hazardous substances.	No reasons provided.	Reject Submission.
378.41	Fire and Emergency New Zealand	<p>Amend Rule 23.2.4 Hazardous Substances, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substance where:</p> <p>(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</p> <p>(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.</p> <p><u>(iii) Rule 23.2.4 (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 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.</p> <p>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:</p> <p>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> <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.</p> <p>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.</p> <p>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>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Auckland Unitary Plan process identified similar issues and, after review, it was decided that only compressed air could possibly be considered to be affected by potentially unnecessary consent requirements. Corrosives were not considered to require any exemption.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. While there is apparently currently no station in the Country Living Zone there are a couple in the Village Zone. I do not have a view if the establishment of new stations in a residential or otherwise classified as sensitive zone is likely. The only hazard category which could be above the threshold in Table 5.1 is sub-class 8.3A. If that is considered an issue a specific rule could be introduced which permits the storage of 8.3A substances to the same level as for rural and reserves zones. –</p> <p>NEUTRAL</p>

697.870	Waikato Council	District	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.	Not required.
697.871	Waikato Council	District	Delete Rule 23.2.4 CI Hazardous substances. AND Amend Rule 23.3.4 DI Hazardous substances, as follows: Rule 23.2.4 P1, or P2 or C1 .	CI is not appropriate within the Country Living Zone and is to be replaced with a Non-Complying Activity.	Not required.
697.872	Waikato Council	District	Amend Rule 23.2.4 to insert NCI Hazardous substances, as follows: <u>NCI</u> <u>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.	Not required.
697.873	Waikato Council	District	Add a new non-complying activity (NC2) to Rule 23.2.4 Hazardous substances, as follows: <u>NC2</u> <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.</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.	Not required.
785.3	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited		Delete Rule 23.2.4 – 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 refuelling 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. 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; • 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>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.</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</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose. While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent. - REJECT</p>

			<p>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 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. 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>	
--	--	--	--	--

I.15 Chapter 24 – Village Zone

I.15.1 Rule 24.2.5 Hazardous substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.48	Fire and Emergency New Zealand	<p>Amend Rule 24.2.5 Hazardous Substances, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substances where:</p> <p>(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)</p> <p>(ii) Rule 24.2.5 (a) (i) excludes fire stations and associated 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 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:</p> <p>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 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.</p> <p>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.</p> <p>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>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Auckland Unitary Plan process identified similar issues and, after review, it was decided that only compressed air could possibly be considered to be affected by potentially unnecessary consent requirements. Corrosives were not considered to require any exemption.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. Apparently there are a couple of existing fire stations in the Village Zone. I do not have a view if the establishment of new stations this zone is likely. The only hazard category which could be above the threshold in Table 5.1 is sub-class 8.3A. If that is considered an issue a specific rule could be introduced which permits the storage of 8.3A substances to the same level as for rural and reserves zones. – NEUTRAL</p>
697.960	Waikato District Council	<p>Amend Rule 24.2.5 P1(a) Hazardous Substances, as follows:</p> <p>(b) The use, storage or disposal of any hazardous substances must meet</p>	Correction required. Residential Zone referred to in error.	Not required.

		<p><u>the following conditions where:</u></p> <p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the <u>Residential Village</u> zone in Table 5.1 contained <u>within</u> Appendix 5 (Hazardous Substances).</p>		
697.961	Waikato District Council	<p>Add Rule 24.2.5 Hazardous substances, as follows:</p> <p><u>NC1</u></p> <p><u>The storage of fuel for retail sale within service station in the Village Zone.</u></p>	This new rule provides a more restrictive approach than D1, as this is a sensitive environment.	Not required.
697.962	Waikato District Council	<p>Add new Rule 24.2.5 NC2 Hazardous substances, as follows:</p> <p><u>NC2</u></p> <p><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.</u></p>	Replicate the hazardous facilities rule within the National Grid from Chapter 14 (where it is relevant to the Village Zone) into Chapter 24 for increased clarity and usability of the Plan.	Not required.
785.4	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	<p>Delete Rule 24.2.5 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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 Substances 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:</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; • 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>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.</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 particular 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</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>REJECT</p>

			<p>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 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. 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>	
--	--	--	---	--

I.16 Chapter 25 – Reserve Zone

I.16.1 Rule 25.2.5 Hazardous substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
697.1031	Waikato District Council	<p>Amend Rule 25.2.5 Hazardous substances, as follows:</p> <p>PI</p> <p>(a) The use, storage or disposal of any hazardous substance where must meet the following condition:</p> <p>(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)</p> <p>(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.</p> <p>P2</p> <p>(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>D1 Any activity that does not comply with Rule 25.2.5 P1 or P2</p>	Alignment with the hazardous substances rules in other zones.	Minor formatting issue. - ACCEPT
697.1032	Waikato District Council	<p>Add new Rule 25.2.5 NC1 Hazardous substances, as follows:</p> <p>NC1</p> <p>The storage of fuel for retail sale within a service station.</p>	Include a non-complying rule for service stations to align with other chapters.	No technical input required.
697.1033	Waikato District Council	<p>Add new Rule 25.2.5 NC2 Hazardous substances, as follows:</p> <p>NC2</p> <p>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.</p>	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.	No technical input required.
785.5	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	<p>Delete Rule 25.2.5 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p>

			<p>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:</p> <p>site and building requirements for where a hazardous substance may be used, including requirements for storage and primarily requiring primary and secondary containment;</p> <p>the safe transportation of hazardous substances;</p> <p>emergency management requirements in relation to the substance in the event of a spill or other emergency; and</p> <p>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 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. 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 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.</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 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>	<p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.- REJECT</p>
--	--	--	---	---

I.17 Chapter 26 – Hampton Downs Motorsport and Recreation Zone

I.17.1 Rule 26.2.9 Hazardous substances - all precincts

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
785.6	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	<p>Delete Rule 26.2.9 – Hazardous Substances- All Precincts.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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 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:</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; 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>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.</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. 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 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>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.</p> <p>- REJECT</p>

			<p>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.</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 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>	
783.1	Reid Investment Trust	<p>Amend Rule 26.2.9 PI (a) (i) Hazardous Substances - All Precincts as follows:</p> <p>(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).</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the matters raised in the submission.</p>	Minor referencing correction.	No technical input required.
378.54	Fire and Emergency NZ	<p>Amend Rule 26.2.9 Hazardous substances - All precincts, as follows:</p> <p>(a) The use, storage or disposal of any hazardous substances where:</p> <p>(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);</p> <p>(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.</p> <p><u>(iii) Rule 26.2.9 (a)(i) excludes 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 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:</p> <p>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> <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.</p> <p>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.</p> <p>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>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Hampton Downs Zone permits the storage of 6 TONNES of Class 8.3A substances (compared to 2 TONNES in all Business zones in the current provisions of the Operative Plan – Waikato Section) – this is NOT what can be expected as the quantity of 'ordinary household chemicals' on any site in this zone. There is currently no fire station in this zone (and unlikely in the future).</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. The reply indicated that there are no substance (classes) stored above permitted levels. – REJECT</p>

I.18 Chapter 27 – Te Kowhai Airpark Zone

I.18.1 Rule 27.2.11 Hazardous Substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.75	Fire and Emergency New Zealand	<p>Amend Rule 27.2.11 Hazardous Substances, as follows: (a) In ALL PRECINCTS, the use, storage or disposal of any hazardous substance where:</p> <p>(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);</p> <p>(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.</p> <p><u>(iii) Rule 27.2.11 (a) (i) excludes 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 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:</p> <p>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> <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.</p> <p>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.</p> <p>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>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>The Te Kowhai Airpark Zone permits the storage of 6 TONNES of Class 8.3A substances (compared to 2 TONNES in all Business zones in the current provisions of the Operative Plan – Waikato Section) – this is NOT what can be expected as the quantity of 'ordinary household chemicals' on any site in this zone.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. The reply indicated that there are no substance (classes) stored above permitted levels. – REJECT</p>
785.7	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	<p>Delete Rule 27.2.11 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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 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:</p> <ul style="list-style-type: none"> • site and building requirements for where a hazardous substance may be used, including 	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose.</p> <p>While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent. – REJECT</p>

			<p>requirements for storage and primarily requiring primary and secondary containment; the safe transportation of hazardous substances;</p> <ul style="list-style-type: none"> • 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>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.</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. 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 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.</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 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>	
--	--	--	--	--

I.19 Chapter 28 – Rangitahi Peninsula Zone

I.19.1 Rule 28.2.5 Hazardous substances

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.78	Fire and Emergency New Zealand	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	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	There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones. The Auckland Unitary Plan process identified similar issues and, after review, it was decided that only compressed air could possibly be considered to be affected by potentially unnecessary consent requirements. Corrosives were not considered to require any exemption.

		<p>(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.</p> <p>(iii) Rule 28.2.5 (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>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> <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.</p> <p>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.</p> <p>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>	<p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. While there is currently no station in the Rangitahi Peninsula Zone there are a couple in the Village zone. I do not have a view if the establishment of new stations in a residential or otherwise classified as sensitive zone is likely. The only hazard category which could be above the threshold in Table 5.1 is sub-class 8.3A. If that is considered an issue a specific rule could be introduced which permits the storage of 8.3A substances to the same level as for rural or reserves zones. – NEUTRAL</p>
785.8	<p>Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited</p>	<p>Delete Rule 28.2.5 – Hazardous Substances.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<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 refuelling 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 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:</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; 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>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</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed.</p> <p>The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose. While the Resource Legislation Amendments Act 2017 amended the RMA to remove hazardous substances as an explicit function of Council, Council still has a role in managing land use, including if it can cause adverse effects of man-made hazards on public health and safety and the natural environment.</p> <p>The Christchurch Replacement District Plan, unlike the AUP or the district plans of neighboring Councils, is irrelevant to this review. The fact that controls relating to hazardous substances in close proximity to the National Grid are included in the Christchurch (and Auckland) provisions, as well as being included in the operative Waikato Section of the WDC and proposed again in this review, demonstrates a concern about the adverse effects of hazardous substance land use. To protect the National Grid but not sensitive land uses or environments would be illogical and inconsistent.- REJECT</p>

			<p>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 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.</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 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>	
--	--	--	--	--

I.20 Appendix 5

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.81	Fire and Emergency New Zealand	<p>Amend the thresholds within Appendix 5 Hazardous Substances, as follows:</p> <ul style="list-style-type: none"> • 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. <p>AND/OR</p> <p>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.</p> <p>OR</p> <p>Delete Appendix 5 Hazardous Substances in recognition that the</p>	<p>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:</p> <p>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> <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</p>	<p>There is no restriction on the temporary storage of chemicals necessary for providing an emergency response. The quantity thresholds are based on industrial use/storage with corresponding reduction for more sensitive zones.</p> <p>I recommended to request from Fire & Emergency NZ to provide actual quantities of substances stored (including on HAZMAT vehicles) to establish whether any consent requirement would actually be triggered for a new station. It appears that that would only be the case for some Class 8.3A substances in the most sensitive zones. If that is considered an issue it should be addressed by including a permitted activity status for Class 8.3A substances applying to such zones (where the establishment of a new fire station is possible) up to the same levels as for rural and reserve zones. The requested amendment to Table 5.1 is not supported as this would affect all activities managing Class 8.3 substances, not just fire stations. More than 50 kg of eye corrosives is NOT a domestic scale quantity. - REJECT</p>

		<p>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.</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>substances held as it relates to Fire and Emergency New Zealand operations, particularly if they are in enclosed containers for systems.</p> <p>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.</p> <p>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 Safety at Work are adequate to managed risks, for the most part.</p>	
419.14	Horticulture New Zealand	<p>Delete Appendix 5 Hazardous Substances and Table 5.1 Activity Status Table - Permitted activity thresholds.</p> <p>AND</p> <p>Delete references to Appendix 6 and Table 6.1 Activity Status Table in Rule 22.2.4 Hazardous Substances.</p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>	<p>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.</p>	<p>The opinion of the submitter on Activity Status Tables is not shared.</p> <p>They are widely used, proven methods to determine an activity status. References are to be checked and corrected if wrong. – ACCEPT IN PART (references)</p>
465.10	Buckland Marine Limited	<p>No specific decision sought, but submission opposes Rule 20.2.6 PI Hazardous substances</p> <p>AND</p> <p>Delete Table 5.1 Activity Status Table – Permitted Activity Thresholds, from Appendix 5 Hazardous Substances.</p>	<p>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.</p>	<p>The use of land for managing hazardous substances is not managed by the Hazardous Substances and New Organisms (HSNO) Act 1996. That Act neither has a land use safety planning function nor any regulations that fulfil that role. The life-cycle and property performance regulations under HSNO have been repealed. The Health and Safety at Work (HSW) Act 2015 also has no land use safety planning function but a purpose of protecting workers within a workplace. Regulations under that Act are specific to that purpose. – REJECT</p>
466.17	Balle Bros Group Limited	<p>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.</p>	<p>The submitter opposes the inclusion of a Table specifying quantities of hazardous substances for the Rural Zone.</p> <p>This is managed through existing legislation and this is an unnecessary additional level of regulation.</p>	<p>The provisions do not duplicate requirements of other legislation. There is no additional level of regulation proposed but largely maintenance of the status quo. – REJECT</p>
543.7	Fellrock Developments Limited and TTT Products Limited	<p>Retain Rule 20.2.6 Hazardous Substances; AND Retain Appendix 5 Hazardous Substances.</p>	<p>Supports the proposed volumes and weights of hazardous substances specified in Appendix 5, and they should not be reduced.</p>	<p>Industry view on proposal – ACCEPT</p>
637.9	Livestock Improvement Corporation	<p>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.</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>	<p>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 HT1 (Permitted Activities by Zone).</p> <p>No corresponding provision for an "Agricultural Research Centre Campus" in Table 5.1 Activity Status Table – Permitted Activity Thresholds.</p> <p>Consequently, the more restrictive permitted activity thresholds from the underlying Rural zone would apply.</p>	<p>Possible transfer error – the equivalent of what is included in the OWDP should be included in Table 5.1 – ACCEPT</p>
639.9	Dairy NZ Incorporated	<p>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.</p>	<p>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 HT1 (Permitted Activities by Zone).</p> <p>No corresponding provision for an "Agricultural Research Centre Campus" in Table 5.1 Activity Status Table – Permitted Activity Thresholds.</p> <p>Consequently, the more restrictive permitted activity thresholds from the underlying Rural zone</p>	<p>Possible transfer error – the equivalent of what is included in the OWDP should be included in Table 5.1 – ACCEPT</p>

			would apply.	
697.319	Waikato District Council	Amend Appendix 5 Ecotoxic Class 9 - High Biological Oxygen Demand (>10,000mg/l) as follows: Line one - <u>High Biological Oxygen Demand (BODs)(>10,000 mg/l)<30m of a watercourse</u> Line two - <u>High Biological Oxygen Demand (BODs)(>10,000 mg/l)>30m of a watercourse</u>	To avoid confusion to the plan reader.	Technical correction – ACCEPT
697.320	Waikato District Council	Amend Appendix 5 Hazardous substances to include Assessment Criteria for Discretionary Activities as follows: <u>Assessment Criteria</u> <u>When assessing discretionary applications, the assessment shall include (but is not limited to):</u> a. <u>How the hazardous facility is located on the site, taking into account separation from boundaries and other more sensitive land uses;</u> b. <u>How the design and proposed management contributes to the minimisation of adverse effects on the environment;</u> c. <u>The individual risks of the hazardous facility and cumulative risks with other hazardous facilities in the vicinity, as relevant;</u> d. <u>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;</u> e. <u>Consideration of the risks posed by the occurrence of identified natural hazard events in the area to the hazardous facility;</u> f. <u>The degree of social, cultural or economic benefits the facility and its associated storage, use or disposal of hazardous substances will have locally;</u> g. <u>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:</u> i. <u>the sensitivity of the receiving environment to any risks;</u> ii. <u>risk identification (inherent risk) and assessment, and risk management response (residual risk);</u> iii. <u>practicable alternative method of management that would present less risk;</u> iv. <u>how the proposal minimises or mitigates cumulative adverse effects with respect to other hazardous facilities in the area;</u> v. <u>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.</u>	Assessment Criteria provide further information for plan users when preparing applications for Discretionary Activity resource consents.	The addition of Assessment Criteria is welcome to assist plan users in this technical field. The criteria are appropriate and consistent with good and established practice. – ACCEPT
797.38	Fonterra Limited	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.	This opinion is not supported by fact. – REJECT
419.141	Horticulture New Zealand	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.	The provisions do not duplicate requirements of the Hazardous Substances and New Organisms Act 1996 or the Health and Safety at Work Act 2015. The Activity Status Table has proven to be a clear, consistent and user-friendly method to determine the activity status. Only reasonably large quantities of low hazard substances are not permitted in any case. – REJECT

1.21 Definitions

Submission point	Submitter	Summary of submission	Reasons	Technical Discussion for S42A and Recommendation
378.14	Fire and Emergency New Zealand	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.	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.	It is questionable whether the term 'non-hazardous gas' needs to be defined - the HSNO Act doesn't do it either (it is basically any gas that is not defined as hazardous). The conditions applicable to determine quantity are clearly set out in Rule (2) of Table 5.1 in Appendix 5. It might assist to amend the entry under Non-hazardous gases to 'All non-hazardous gases, compressed or liquefied', as that (overpressure) is the hazard to be controlled. The BA example given in the submission clearly shows that even for the most sensitive zones (lowest threshold - 200 m3) over 70 BA units can be stored as

				permitted, probably on up to 10 HAZMAT vehicles. It is highly questionable whether that many could be located at a station in a sensitive zone.- REJECT (apart from possible clarification in Table)
419.123	Horticulture New Zealand	Delete the definition of "Hazardous facility" from Chapter 13 Definitions. AND Any consequential or additional amendments as a result of changes sought in the submission.	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.	The scope of proposed provisions is limited to hazardous facilities, the land use activity involving hazardous substances. A sensible definition of the term 'hazardous facility' is essential as otherwise objectives, policies and rules would be open to inappropriate interpretation. This is accepted and good planning practice. There are no specific controls on 'agrchemicals'. If an 'agrchemical' is a hazardous substance of low or medium hazard, no or high thresholds apply which would make the storage in small containers (including spray tanks) permitted, without any controls or standards applying. Even without considering existing use rights for any permitted or consented hazardous substances on existing farms, this does not appear to be a relevant issue that requires changes. - REJECT
419.138	Horticulture New Zealand	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.	A sensible definition of the term 'storage' with regard to hazardous substances is essential in the District Plan as otherwise provisions would be open to inappropriate interpretation. This is even more important since the term is not defined in either the RMA or the HSNO Act. To include mobile tanks and containers within a hazardous facility, including on wheels, is accepted and good planning practice. The current definition of the term does not change the fact that the storage of any but the most hazardous substances in small containers (including spray tanks) is permitted, without any controls or standards applying. Even without considering existing use rights for any permitted or consented hazardous substances on existing farms, this does not appear to be a relevant issue that requires changes. - REJECT
419.139	Horticulture New Zealand	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.	A sensible definition of the term 'use' with regard to hazardous substances is essential in the District Plan as otherwise provisions would be open to inappropriate interpretation. This is even more important since the term is not defined in either the RMA or the HSNO Act. The proposed definition reflects accepted and good planning practice and is applicable to risks from unintended consequences of land use, not for permitted or consented discharges (intended uses). The term refers to 'manufacturing, processing or handling', not 'discharging or applying'. There are no discharge requirements included in the proposed provisions and hence no duplication of Regional Council requirements. No interpretation of the current definition of the term changes the fact that the use/application of any but the most hazardous substances would in any case be permitted, without any controls or standards applying (substances cannot be used/applied in larger quantities than they are stored in the first place – see above comments). Most fertilisers have a primary hazards of Class 6.3 or 6.4 (skin and eye irritants) which have no threshold applied to them in any case (see Note 1 in Table 5.1). Even without considering existing use rights for any permitted or consented hazardous substances on existing farms, this does not appear to be a relevant issue that requires changes. - REJECT
419.143	Horticulture New Zealand	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 locally 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. AND Any consequential or additional amendments as a result of changes sought in the submission.	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.	The reference to 'short periods of time' specifically relates to storage. The 'transport for application' is clearly not included in this definition. 'Short period of time' generally means short term, which is the opposite of long term. Equally medium term is not the same as short term. As the definition covers a number of different types of facilities, an entirely inflexible time limit of, say, 24 hours may be applicable to some but not others. This qualification needs to be judged on a case-by-case basis, similar to 'temporary' and terms of that nature. - REJECT
463.5	Environmental Management	Delete the definition for "Hazardous Facility" from Chapter 13	The submitter does not support the definition provided for a hazardous facility.	A sensible definition of the term 'hazardous facility' is essential as otherwise

	Solutions Limited	Definitions.	<p>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 MfEHAIL, however, the way this definition is written makes no sense.</p> <p>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.</p> <p>It is considered that no definition is required in the District Plan.</p>	<p>objectives, policies and rules would be open to inappropriate interpretation. The 'quantification', i.e., up to what level activities are permitted and not subject to any requirements, is a control mechanism which appropriately is not included in the definition. This is accepted and good planning practice.</p> <p>The definition is based on earlier guidance and established practice which precedes HAIL by some time.</p> <p>There is no NES for hazardous facilities. Overall there is no basis in the matters raised in the submission for changes to the definition. - REJECT</p>
466.1	Brendan Balle for Balle Bros Group Limited	Delete the definition for "Hazardous Facility" from Chapter 13 Definitions.	<p>The submitter does not support the definition provided for a hazardous facility.</p> <p>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.</p> <p>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.</p> <p>No definition for this is required in the District Plan.</p>	<p>A sensible definition of the term 'hazardous facility' is essential as otherwise objectives, policies and rules would be open to inappropriate interpretation. The 'quantification', i.e., up to what level activities are permitted and not subject to any requirements, is a control mechanism which appropriately is not included in the definition. This is accepted and good planning practice.</p> <p>The definition is based on earlier guidance and established practice which precedes HAIL by some time.</p> <p>There is no NES for hazardous facilities. Overall there is no basis in the matters raised in the submission for changes to the definition. - REJECT</p>
578.48	Ports of Auckland Limited	<p>Add exceptions to the definition of "Hazardous facility" in Chapter 13 Definitions as follows:</p> <p>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, and excludes:</p> <ul style="list-style-type: none"> • fuel in mobile plant, motor vehicles, boats and small engines; and • the temporary storage, handling and distribution of national or international cargo. <p>AND</p> <p>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.</p> <p>Hazardous substances also travel through the freight hub regularly as part of cargo, break bulk and bulk cargo. Maximum dwell times for such cargo is less than one week.</p> <p>Significant cost and operational implications if the above matters are not excluded from the definition of hazardous facilities.</p>	<p>It is not good planning practice to indirectly apply, or exempt from, controls through definitions. The definition of 'hazardous facility' is designed to provide context and reflect common sense. The quantity of fuel in vehicles and small engines is always permitted, as the quantity would be below any applicable threshold. There is no reason why cargo containing highly hazardous and/or large quantities of hazardous substances at a new hazardous facility should be treated differently to other hazardous facilities.-</p> <p>ACCEPT IN PART</p>
680.139	Federated Farmers of New Zealand	<p>Amend the definition of "Hazardous facility" in Chapter 13 Definition as follows:</p> <p>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.</p> <p>A Hazardous facility does not include:</p> <p>(a) The incidental use and storage of Hazardous substances in domestic quantities; and</p> <p>(b) Fuel contained in tanks of motor vehicles, agricultural and forestry equipment, boats and small engines; and,</p> <p>(c) On farm milk and farm effluent storage and disposal; and</p> <p>(d) Storage of superphosphate or lime or similar fertiliser in the Rural Zone; and</p> <p>(e) Use and storage of agrichemicals covered by, and in accordance with New Zealand Standard 8409:2004 Management of Agrichemicals.</p> <p>AND</p> <p>Any consequential amendments needed to give effect to this relief.</p>	<p>The definition as currently worded has the potential to capture a range of activities inappropriately.</p>	<p>There are no reasons provided why some activities (particularly in relation to farming activities) are considered to be captured 'inappropriately'. While some amendment to the term to exclude common sense activities (household products in domestic scale quantities, small engines and the like) may be beneficial – although those activities would always be permitted by current provisions, regardless of amendments to the definition – the exclusion of activities of selected industry sectors, companies or on specific sites is not supported. - REJECT</p>
680.140	Federated Farmers of New	Amend the definition of "Hazardous substance" in Chapter 13	The definition should be consistent with the HSNO Act, any variation has the ability to cause	The definition is clear and within scope of the RMA as the definition therein is

	Zealand	<p>Definitions, as follows:</p> <p>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.</p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p>	confusion and unnecessary duplication.	not limited to HSNO. Confusion would only occur if the wider scope of the provisions and a narrower definition do not align. However, regardless of the submission the NPS 14. Definitions Standard specifies that the RMA definition itself must be used. - REJECT
695.62	Sharp Planning Solutions Ltd	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.	While the term 'other facilities' is not meaningless, it may assist to add 'hazardous' between 'other' and 'facilities' for clarification. It may also be beneficial to add 'in the vicinity where risks of one facility can influence risks of the other', or words to that effect to the end of the definition. That would clarify that it is not an academic exercise between unrelated facilities. For that change it would be unnecessary to differentiate between on- and off-site facilities. – ACCEPT IN PART
749.49	Housing New Zealand Corporation	<p>Delete the term and the definition of "Hazard" in Chapter 13 definitions.</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>	<p>It is not clear why the term 'hazard' is included for a definition.</p> <p>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.</p> <p>There are definitions already provided for "hazardous facility", "hazardous substance" and "hazardous waste".</p> <p>The submitter considers it is not necessary to have a specific definition of "hazard" included in the Proposed District Plan.</p>	It is recommended to clarify whether the definition of 'hazard' can lead to confusion if the term is used in a different context in the Plan. – NEUTRAL
749.63	Housing New Zealand Corporation	<p>Amend the heading of the definition of "Use" in Chapter 13 Definitions to refer to "Hazardous use".</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>	<p>The term "use" is too broad and should not be included in the definitions chapter.</p> <p>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".</p>	The currently proposed definition is not broad but refers specifically to the context of hazardous substances, hence there should not be confusion. It is not the use itself that is hazardous (and therefore should not be described as such) but the substances that are used. - REJECT
785.35	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	<p>Delete the definition for "cumulative risk" from Chapter 13: Definitions.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the submission.</p>	<p>In other submission points, the submitter seeks the deletion of Policy 10.1.3 as it is the only Policy which addresses "cumulative risk".</p> <p>In the absence of the Policy, it is not considered necessary to define the term "cumulative risk".</p>	As Policy 10.1.3 ought to remain, the same applies to this definition. - REJECT
800.5	Environmental Management Solutions Limited	Delete the definition of "hazardous facility" from Chapter 13 Definitions.	<p>EMS does not support the definition provided for a hazardous facility.</p> <p>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>Council has likely tried to refer to terminology derived from the MfEHAIL, however, the way this definition is written makes no sense.</p> <p>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.</p>	Seems to be the same as submission 463.5 in which case the same reasoning applies – REJECT.