

**BEFORE THE HEARING COMMISSIONERS  
IN WAIKATO DISTRICT**

**IN THE MATTER** of the Resource Management Act 1991 (“**the Act**”)

**AND**

**IN THE MATTER** of the Proposed Waikato District Plan (Stage  
1) Hearing 8A Hazardous Substances and  
Contaminated Land

---

**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE  
FOR HORTICULTURE NEW ZEALAND  
17 DECEMBER 2019**

---

## 1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Lynette Pearl Wharfe. I am a planning consultant with The AgriBusiness Group. I have a BA in Social Sciences and post graduate papers in Environmental Studies, including Environmental Law, Resource Economics and Resource Management.
- 1.2 I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.
- 1.3 I have been a consultant with The AgriBusiness Group since 2002. The Agribusiness Group was established in 2001 to help build business capability in the primary sector.
- 1.4 I have spent over 18 years as a consultant, primarily to the agricultural industry and rural sector, specialising in resource management, environmental issues, and environmental education and facilitation, including 18 years of providing advice to Horticulture New Zealand ("**HortNZ**") and its precursor organisations, NZ Vegetable and Potato Growers Federation, NZ Fruitgrowers Federation.
- 1.5 As part of providing advice to HortNZ for submissions and plans across the country I have been involved in development of Regional Policy Statements, Regional Plans and District Plans, including omnibus plans such as the Auckland Unitary Plan and the Horizons One Plan and district plans in Whakatane, Opotiki and Hastings so am familiar with the range of matters to be addressed in the Proposed Waikato District Plan ("**PWDP**").
- 1.6 Of particular relevance in respect of hazardous substances I have been involved in a number of plans and plan changes regarding hazardous substances, including the Auckland Unitary Plan, the Hastings District Plan and the Christchurch Replacement District Plan.
- 1.7 I have been also been involved in a range of projects relating to hazardous substances, including writing a guidance note for NZ Agricultural Aviation that includes the use of agrichemicals, fertilisers and baits.
- 1.8 I have been involved as a consultant to HortNZ contributing to submissions and further submissions on the Proposed Waikato District Plan.
- 1.9 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out in Appendix 1. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except

where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2. SCOPE OF EVIDENCE**

2.1 This evidence provides a planning assessment of those provisions on which HortNZ submitted which are addressed in Hearing 8A Hazardous substances and contaminated land.

2.2 In undertaking this assessment I have considered:

- (a) The Section 42A Hearings Report for Hearing 8A and attached reports
- (b) The s32 Report for PWDP dated July 2018 and associated technical report by Resources dated 27 April 2017
- (c) The National Planning Standards
- (d) The Operative Regional Policy Statement for Waikato
- (e) Hazardous Substance (Hazardous Property Controls) Notices 2017 Environmental Protection Agency (EPA)
- (f) Decision of the Independent Hearing Panel on Proposal 12 Hazardous Substances for the Christchurch Replacement District Plan 15 March 2016
- (g) Hastings District Plan Chapter 29 Hazardous Substances and Genetically Modified Organisms Decisions version November 2013.

## **3. MY UNDERSTANDING OF HORTICULTURE NEW ZEALAND'S SUBMISSIONS**

3.1 HortNZ made submissions and further submission on the PWDP because horticulture is a key activity within the Waikato District.

3.2 HortNZ opposes the approach to hazardous substances in the Proposed Plan which introduces a level of regulation that is unnecessary given existing regulations under HSNO and Health and Safety at Work Acts. The 2017 RMA Amendment Act deleted specific requirements for the Council to include control of hazardous substances in the Plan.

3.3 HortNZ supports the use of codes or practice and standards as a tool to ensure that hazardous substances are appropriately managed. One such standard is NZS8409:2004 Management of Agrichemicals.

#### **4. MATTERS THIS EVIDENCE WILL ADDRESS**

- 4.1 This evidence is structured to address some overarching issues, followed by the definitions section before considering the objectives, policies, rules and appendix.
- (a) Background
  - (b) Management of hazardous substances
  - (c) Relationship between HSNO and the RMA
  - (d) Section 32
  - (e) Waikato Regional Policy Statement
  - (f) Other plans
  - (g) Activity Status Table (AST)
  - (h) Definitions
  - (i) Objective
  - (j) Policies
  - (k) Rules and Appendix

#### **5. BACKGROUND**

##### *Background to HortNZ's involvement in hazardous substances*

- 5.1 Horticulture growers use fertilisers, agrichemicals and fuels so are aware of regulations regarding the use of these substances so seek provisions in district plans that are practical and do not duplicate regulatory requirements.
- 5.2 As a result HortNZ has been involved in a number of plan processes across New Zealand regarding hazardous substances over a number of years, but mainly in areas where horticultural activities are undertaken. Therefore it was not involved in Invercargill or Rotorua, two districts that have adopted AST provisions.
- 5.3 A number of districts where horticulture is undertaken rely on HSNO controls or have exemptions from threshold limits. For instance the Western Bay of Plenty District has an AST but provides for activities that comply with NZS8409:2004 Management of agrichemicals as a permitted activity so the thresholds do not apply.

- 5.4 HortNZ is currently a s274 party to appeals on hazardous substances on the Dunedin District Plan and was a submitter on the Christchurch Replacement District Plan which I will refer to later in this evidence.

*Background to hazardous substances regulations in district plans*

- 5.5 The HortNZ involvement in plan processes has shown that many councils struggle with addressing hazardous substances in plans. While the HSNO Act was passed in 1996 the HSNO regulations did not fully come into effect until 2006, so there was a vacuum prior to the regulations being in force. Meanwhile councils were developing district plans under the RMA with little guidance from HSNO.
- 5.6 A number of councils used the Hazardous Facilities Screening Procedure (HFSP) in first generation plans in the 1990's as it was the main tool available and supported by MfE at the time. Later AST was introduced as an attempt to reduce the complexity of HFSP. But when developing second generation plans the existence of the HSNO Regulations and changes to the RMA assist in informing the approach, with a number of councils now seeking an approach that does not rely on either AST or HFSP.
- 5.7 Recent changes to the RMA have removed the explicit function for councils to manage the storage, use, disposal, or transportation of any hazardous substances. However there remains that ability for council to include specific controls if deemed necessary to address specific resource management issues in a district.

*National Planning Standards*

- 5.8 Since the Plan was notified the National Planning Standards have been gazetted. There are a number of definitions in the Planning Standards that are relevant to Hearing 8A, as well as the plan structure.
- 5.9 I support amending the plan to be consistent with the National Planning Standards rather than to amend the plan at a later date.

**6. MANAGEMENT OF HAZARDOUS SUBSTANCES**

- 6.1 There are a range of legislative requirements that determine how hazardous substances are managed. These include:
- (a) Hazardous Substances and New Organisms Act 1996 and associated regulations (HSNO)
  - (b) Health and Safety at Work Act 2015 and associated hazardous substances regulations (HSW)

(c) Resource Management Act 1991 (RMA)

- 6.2 The three pieces of legislation interface with similar purposes which can lead to duplication in responsibility and lack of clarity of the role of the respective Acts.

*Hazardous Substances and New Organisms Act 1996 (HSNO)*

- 6.3 The s32 Report for the PWDP for hazardous substances states that the HSNO Act is the primary legislation for managing hazardous substances (1.3 Pg 5) and I concur with that statement.

- 6.4 The Hazardous Substances and New Organisms Act seeks to manage hazardous substances through assessing and classifying hazardous substances and placing controls according to the degree of hazard to ensure that the purpose of the Act is met:

*The purpose of this 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.*

- 6.5 The controls that may be applied are wide ranging and include disposal, documentation, emergency management, emergency response plans, location test certificates, certified handlers and competency, packaging, labelling, secondary containment, tracking and signage.
- 6.6 Tolerable Exposure Limits (TEL) and Environmental Exposure Limits (EEL) are set to protect human health and the environment.
- 6.7 In addition there is a requirement that hazardous substances must be used in such a way as to minimise environmental effects.
- 6.8 Some of the controls relate to site and locational requirements such as signage and separation distances; others relate to buildings such as design and construction of buildings and location test certificates. Emergency management controls are also imposed, such as secondary containment and emergency response plans.
- 6.9 Through these controls the HSNO regime seeks to protect people, property and the environment irrespective of the location.

*Hazardous substances (Hazardous Property Controls) Notices 2017*

- 6.10 The EPA promulgated the Hazardous Substances (Hazardous Property Controls) Notice in 2017 to address matters that were not included under the Health and Safety at Work (Hazardous Substances) Regulations 2017.

- 6.11 The Hazardous Property Control Notice address Class 9 Ecotoxic substances and hazardous substances used outside of a workplace.
- 6.12 The objective of the notice is to:
- Ensure that hazardous substances are stored and used in a manner that protects the environment, and people in places other than workplaces to which the Health and Safety at Work Act 2015 applies.*
- 6.13 The controls include a suite of requirements to achieve the objective.
- 6.14 In respect of Class 9 substances there are site and storage controls, use controls and qualification requirements to ensure competency in the use of substances.
- 6.15 Some provisions from the HSW Regulations are applied to places that are not a workplace including quantities that require management, separation distances, signage, incompatible substances and materials.
- 6.16 In addition there is consideration where appropriate of buffer zones, sensitive uses and sensitive habitats.
- 6.17 Many of these matters are land use controls.
- 6.18 Mr Schaffoener in his report that is part of the s42A Report describes the functions of the HSW legislation but does not refer to the Hazardous Property Control Notice and the matters that are managed through the controls.
- 6.19 I note that that Taranaki Energy Watch v South Taranaki District Council Environment Court decision determined that the Worksafe legislation and regulations do not control decisions made on the use of land near a workplace. However there does not appear to have been any assessment of the Hazardous Substances (Hazardous Property Controls) Notice 2017 in respect to areas outside a workplace.
- 6.20 In my opinion the controls in the notices which are applied outside of the workplace will assist in addressing the risk to people and the environment so the reliance on HSNO and HSW needs to be assessed in combination with the hazardous property control notices.

*Health and Safety at Work Act 2015 (HSW)*

- 6.21 Management of hazardous substances in the workplace was moved from HSNO to HSW as a result of the Royal Commission into Pike River which sought stronger alignment of workplace health and safety.
- 6.22 The purpose of the HSW Act is to 'provide for a balanced framework to secure the health and safety of workers and workplaces' through a range of mechanisms.
- 6.23 HSNO controls for Class 1-8 substances were transferred to new HSW regulations along with additional controls.
- 6.24 However HSNO still retains functions for hazardous substances outside the workplace and for Class 9 Ecotoxic substances.
- 6.25 The HSW regulations also includes controls over major hazardous facilities which hold large quantities of more highly hazardous substances and requires consideration of such matters as sensitive land uses and local communities.

*Resource Management Act 1991 (RMA)*

- 6.26 The RMA (s30 and 31) previously required that Councils control the use of land for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances.
- 6.27 This explicit requirement was repealed in the Resource Legislation Amendment Act 2017, (RLAA) to ensure that councils only place additional controls on hazardous substances if they are necessary to control effects under the RMA that are not covered by HSNO or HSW.
- 6.28 The RLAA supports the position of HSNO as the primary piece of legislation for managing hazardous substances.

**7. RELATIONSHIP BETWEEN HSNO AND THE RMA**

- 7.1 Key to determining to what extent Council needs to control hazardous substances is the relationship between the RMA and HSNO.
- 7.2 In considering the relationship of the RMA to the HSNO Act it is relevant to reflect on the purpose of the HSNO Act:

*The purpose of this 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.*



- 7.3 The purpose of the Act is similar to the RMA in that it seeks to protect environment, health and safety of people and communities. Therefore regulations which achieve this outcome under HSNO are also relevant under the RMA.
- 7.4 The decision in the Christchurch Replacement Plan considered the relationship between the RMA and HSNO and considered that additional provisions should only be adopted where necessary:
- For the purposes of the RMA, more stringent requirements can only be imposed where the empowered person under the RMA considers it necessary in terms of the definition above at 23 (for necessary being 'indispensable, requisite').<sup>1</sup>*
- 7.5 The decision then referred to Quality Planning guidance<sup>2</sup> (Para 28) which states:
- Inclusion of hazardous substance controls in plans should be the exception rather than the rule, and included only when a rigorous section 32 analysis show that these controls are justified.*
- 7.6 I concur with the Panels' determination and identification of the importance of a robust s32 to determine if additional controls are 'necessary'.
- 7.7 I address the s32 Report below but note at this point that there is no discussion in the s32 Report for the PWDP as to what issues are deemed 'necessary' to require additional provisions over and above HSNO or why HSNO requirements are duplicated in the Plan.
- 7.8 The Christchurch Panel also accepted the evidence of Dr Peter Dawson, Senior Scientist, EPA which demonstrated that the matters of concern to Council are adequately addressed through HSNO and there is no need for additional controls in the District Plan to achieve the outcomes sought (Refer Para 36 - 43 of the Christchurch Replacement Plan decision attached).
- 7.9 These findings led the Panel to a position that the AST provisions in the Proposed District Plan were inappropriate, complex, lacked clarity and duplicated HSNO and HSWA with additional consenting requirements.
- 7.10 Mr Schaffoener in his 2019 report (for the PWDP) at 2.0 considers that HSNO provides for the assessment of hazardous substances; HSW protects workers and workplaces and the RMA is the primary planning and environmental statute dealing with public health and safety and the environment. He then states:

---

<sup>1</sup> This assessment was based on s142 of HSNO which was repealed by s123 of the RLAA 2017.

<sup>2</sup> Quality Planning Guidance 'Managing Hazardous Substances'

*It (the RMA) is the only statute with functions and processes in relation to use of land for managing hazardous facilities. (Para 1 pg 5).*

- 7.11 This statement appears to be in conflict with the s32A Report which accepts that HSNO is the primary legislation for managing hazardous substances. In addition no legislation seeks to manage 'hazardous facilities'. Rather the focus is on hazardous substances.

## **8. SECTION 32 REPORT**

- 8.1 The s32 Report is based on a report by Resources setting out potential options for managing hazardous substances.

- 8.2 The options for hazardous substances based on the recommendations in the technical report by Resources consultants are:

- Option 1: Do nothing
- Option 2 Retain status quo based on different provisions for Waikato and Franklin
- Option 3 Adopt a new approach
- Option 4 Retain provisions of the Waikato section with amendments and updates

- 8.3 Option 4 is the recommended approach.

- 8.4 In considering 'adopting a new approach' the Resources Report suggest use of HSFP but do not consider any other options, such as in the Christchurch or Hastings Plans or the extent to which HSNO could be relied on.

- 8.5 Therefore in my opinion the options assessed are limited.

- 8.6 In addition there is no evaluation of specific resource management issues arising from the use of hazardous substances that lead to a determination that regulation in addition to HSNO is necessary in the Plan.

- 8.7 The s32 Report states (Pg 3):

*In general hazardous facilities which comply with the HSNO requirements for the management of hazardous substances should not have significant adverse effects on the environment. The Act need only deal with particular risks associated with a specific site that is not already managed by the generic controls under HSNO.*

- 8.8 Yet the s32 analysis does not consider options which would address specific site issues but rather recommends a blanket threshold approach across all activities.

- 8.9 Clearly absent from the options assessed is an approach based on HSNO and inclusion of specific provisions for identified resource management issues considered necessary in Waikato. This approach could include policies which would provide direction in the Plan and appropriate controls where an issue was identified as being a resource management issue necessary to be managed through the Plan.
- 8.10 The analysis does not meet the test stated above (and repeated below):
- Inclusion of hazardous substance controls in plans should be the exception rather than the rule, and included only when a rigorous section 32 analysis show that these controls are justified.*
- 8.11 Therefore in my opinion the s32 evaluation is deficient in that it has not assessed all relevant options or demonstrated why blanket controls are justified.
- 8.12 A review is also undertaken of the provisions in the Franklin and Waikato sections of the operative District Plan. The two sections are very different in approach with Franklin being less prescriptive. The s32 Report concludes (Pg 7) that the Franklin section is of limited use and out-of-date but does not provide any analysis or detail of how the provisions are deficient and have led to adverse effects from use and storage of hazardous substances.
- 8.13 The report considers that the costs associated with the proposed approach (based on Option 4) are virtually unchanged. This assessment fails to take into account the costs that would be imposed on those located within the Franklin area by the imposition of a greater regulatory regime than currently exists.
- 8.14 Section 7.4 of the Resources Report (2017) states that the writer does not support the use of external codes of practice or standards.
- 8.15 A number of councils include exclusions based on compliance with codes of practice or NZ Standards as an appropriate approach to managing hazardous substances. Once such standard is NZS8409:2004 Management of Agrichemicals, which is an approved code of practice under HSNO and consideration of the appropriateness, efficiency and effectiveness of such standards should be assessed as part of the s32 Report.
- 8.16 Given the deficiencies of the s32 Report outlined above I consider that the Council has failed to assess all relevant matters in terms of determining the necessity for the blanket regulatory approach set out in the PWDP for hazardous substances.

## 9. REGIONAL POLICY STATEMENT

- 9.1 The Waikato Regional Policy Statement (WRPS) is relevant to consideration of provisions for hazardous substances in the PWDP.
- 9.2 The WRPS includes Implementation Method 4.2.9, which sits under Policy 4.2 Collaborative approach in Chapter 4 Integrated Management.
- 9.3 Policy 4.2 b) encourages collaboration, participation and information sharing between resource management agencies, tangata whenua and relevant stakeholders, particularly where there are shared or overlapping responsibilities or function for issues or resources, and including when resources or issues cross boundaries.
- 9.4 Method 4.2.9 Hazardous substances is one method to implement the policy. (Note that 4.2.9 is not a policy in itself).
- 9.5 When the WRPS was written in 2016, s62 (1)(i) (ii) of the RMA required that the RPS state:
- the local authority responsible in the whole or any part of the region for specifying the objectives, policies and methods for the control of the use of land -*
- ii) to prevent or mitigate the adverse effects of the storage, use, disposal or transportation of hazardous substances.<sup>3</sup>*
- 9.6 Therefore the RPS had to state who would undertake responsibility for managing hazardous substances under the RMA.
- 9.7 The provision has since been repealed in 2017 but the requirement in the RPS still applies to district plans which need to give effect to the RPS.
- 9.8 Therefore territorial authorities are responsible for developing objectives, policies rules and other methods for the storage, use, disposal or transportation of hazardous substances all land outside the coastal marine area and the beds of rivers and lakes.
- 9.9 The RPS does not state what the nature of the provisions for hazardous substances should be other than 'control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances'.
- 9.10 The s42A Report (Para 60) considers that Policy 4.2.9 should be read alongside HSNO and HSWA and provide for controls where it

---

<sup>3</sup> Section 62(1)(i)(ii): repealed, on 19 April 2017, by section 53(1) of the Resource Legislation Amendment Act 2017 (2017 No 15).

is considered that HSNO and HSWA are insufficient to mitigate the associated risk.

9.11 I concur with that approach. However neither the s42A Report or the s32A Report analyses the risks that are not sufficiently managed under HSNO and HSWA which need to be controlled, but rather takes a blanket approach of applying the AST to all activities.

9.12 I note that the Explanation under Policy 4.2 and implementation methods in the WRPS comments on integrated management:

*Integrated resource management requires a holistic view that looks beyond organisation, spatial or administrative boundaries. For integrated management to be effective and efficient it requires a coherent and consistent approach and that agencies or organisations involved in resource management work together in a collaborative manner. This is because there is overlap in the functions of local authorities and also resources and issues that cross jurisdictional boundaries.*

9.13 Management of hazardous substances is one such issue that crosses jurisdictional boundaries (between HSNO and RMA) and requires a holistic approach to ensure a coherent, effective and efficient process of management. Avoiding duplication between the respective regulations would assist in giving effect to the WRPS.

## **10. OTHER PLANS**

10.1 The s42A Report (Para 743) states:

*I have not found other recently notified plans particularly easy to determine whether a proposal requires resource consent or not without having an AST. I note also that, as these plans have not yet been through the RMA Schedule 1 process, and have not been tested by the Courts, I am reluctant to use them as a comparison to my recommended approach.*

10.2 Having been involved in a number of plans and development of provisions for hazardous substances I disagree with this statement.

### *Hastings District*

10.3 The Operative provisions in the Hastings District Plan (Attached) are clear and simple and have been through a Schedule 1 process.

10.4 The Hastings District Plan process specifically seeks to avoid unnecessary duplication between HSNO and the Plan by providing for the storage, handing and use of hazardous substances as permitted activities except for specific provisions within the

Heretaunga Plains Unconfined Aquifer which was identified as a sensitive area. It also has provisions for Major Hazardous Facilities which are specifically listed facilities that require a resource consent.

- 10.5 I consider that these provisions are clear and easy to determine if a resource consent is required and do not impose unnecessary regulation.<sup>4</sup>

*Christchurch Replacement District Plan*

- 10.6 The HortNZ submission on the PWDP in respect of the hazardous substance provisions specifically referred to the Christchurch Replacement Plan process. However there is no mention of the Christchurch provisions in the s42A Report.
- 10.7 The Christchurch Replacement District Plan is mentioned in response to submissions in the Resources report (2019) to support the s42A Report (Appendix 4). Mr Schaffoener states that the 'Christchurch Replacement District Plan is irrelevant to this review'<sup>5</sup> and on that basis recommends that submissions that refer to the Christchurch plan be rejected.
- 10.8 I was involved in the Christchurch Replacement District Plan hazardous substances provisions and do not concur with Mr Schaffoener's recommendation.
- 10.9 The proposed provisions for hazardous substances in the Christchurch Replacement District Plan were based on the AST approach. Mr Schaffoener was a consultant to the Council for the plan development through to the hearing stage, and presented evidence to the Independent Hearing Panel on the AST approach.
- 10.10 A number of parties, including HortNZ, opposed the provisions. The Crown was involved in the process through CERA. While hazardous substances have been debated in a range of district plan processes this was the first time that the Crown or the EPA were directly involved.
- 10.11 Mediation was held prior to the hearing but the differences between the parties were significant and essentially philosophical in seeking a different approach.
- 10.12 At the hearing the Crown presented expert evidence from Dr Peter Dawson of the EPA which challenged the basic premises in the

---

<sup>4</sup> <https://eplan.hdc.govt.nz/eplan/#Rules/0/84/1/0>

<sup>5</sup> Refer to Appendix 1 Resources Report table technical comments addressing individual submission points: Submission 785 Points 1, 2, 3, 4, 5, 6, 7, 8, 45, 46, 47, 48, 49.

Plan and detailed the way that HSNO worked and why the provisions in the Proposed Plan were not necessary. The Crown also called expert planning evidence with Mr Mark St Clair presenting evidence outlining the relationship with HSNO based on research that he had undertaken for MfE.

- 10.13 Because the plan development was under special regulation<sup>6</sup> the hearing was different to a usual council Schedule 1 hearing. It was conducted in a semi-judicial manner, chaired by Sir John Hansen a High Court Judge, and included cross examination of witnesses by both the panel and parties.
- 10.14 At the conclusion of hearing evidence and cross examination the Commissioners made an Interim Decision which determined that the approach of the Crown was preferable to that set out by the Council and Mr Schaffoener. The Interim Decision required parties to work together to revise the proposed plan based on the approach set out by the Crown, led by Council but without the assistance of their consultant.
- 10.15 The result was a 'Revised proposal' that was agreed by all submitters and council and presented to the Hearing Panel. The revised proposal was significantly different to the notified plan, including the deletion of the Activity Status Tables which set out quantity thresholds and removal of the definition of 'hazardous facilities.' The Revised proposal identified specific issues relevant to Christchurch and provisions to address those issues. The Hearing Panel made a final decision based on the Revised proposal.
- 10.16 The outcome of the enquiry and hearing is documented in the decision of hearing panel (the "Christchurch decision") which is attached to this evidence.
- 10.17 The Christchurch outcome is important to consider as it included a level of inquiry and rigour, including cross examination of witnesses that has not occurred through other plan processes.
- 10.18 I consider that the Christchurch decision establishes a sound basis for managing hazardous substances in district plans and support the principles and approach as the basis of the Plan provisions in Waikato District.

#### *Exemptions in plans*

- 10.19 Some district plans use an AST approach but then exempt a range of activities to avoid unnecessary compliance.

---

<sup>6</sup> Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

- 10.20 Examples of such exemptions include Western Bay of Plenty, Kaipara District, Combined Wairarapa District Plan, and Ruapehu District.
- 10.21 So while they may have an AST the implementation is reduced through the exemptions, such as Western Bay of Plenty which exempts hazardous facilities that are part of a permitted activity in the Rural Zone and that comply with the NZ Standard NZS8409:2004 Management of Agrichemicals.
- 10.22 I consider this to be an appropriate approach if AST is to be retained.

*Auckland Unitary Plan*

- 10.23 The Auckland Unitary Plan uses an AST approach which was advocated by Mr Schaffoener as consultant to the Council.
- 10.24 Many parties were unhappy by the approach but had limited rights of appeal as the plan was developed under special legislation.
- 10.25 In my opinion the Auckland Unitary Plan should not be taken as an exemplar or precedent for Waikato District given the lack of ability to appeal the decisions. If that right had existed there are parties that would have appealed the decision and may have resulted in a different outcome.

**11. ACTIVITY STATUS TABLE (AST)**

- 11.1 Fundamental to the approach in the proposed provisions for hazardous substances in the PWDP is Appendix 5 which sets out Activity Status Tables (AST) for quantities of substances that may be stored or used as a permitted activity.
- 11.2 AST is a screening tool that sets thresholds over which consent would be required. The identification is not based on specific effects that may arise from the activity but on the premise that storage of specified quantities of hazardous substances, dependent on location, may have the potential to create adverse effects. As the PWDP is currently drafted, the AST would apply even though the substances are already controlled and managed through the HSNO system.
- 11.3 The s42A Report writer considers that the Invercargill District Plan which is based on AST 'is clear and simple for plan users to work out' whether they need resource consent or not. (Para 742)



- 11.4 In my opinion the table is neither clear nor simple. Rather it is complex and would require growers to undertake constant assessment to ensure compliance as I set out below.
- 11.5 For a grower to assess whether they are over the aggregate thresholds and therefore need resource consent they would need to:
- (a) Have a list of all substances in the store and hazard classifications (which they will have as part of HSNO requirements);
  - (b) Collate all the substances and quantities according to the hazard classifications. Most substances have more than one classification. It is the combined total of all substances with the same hazard classification that need to be determined in terms of the aggregate thresholds;
  - (c) Convert the litre quantities into tonnes for each hazard classification;
  - (d) Determine if the threshold for each hazard classification is exceeded.
- 11.6 This approach presents a number of implementation issues:
- (a) The substances and quantities that a grower may have in a store can vary from day to day, week to week, season to season;
  - (b) The substances and quantities can vary according the crop grown and rotation;
  - (c) The range of substances that may be used can be extensive – one large grower uses over 100 potential items – but never all at the same time;
  - (d) Taking a stocktake and doing the calculations to establish an aggregate threshold for all hazard classifications could be out of date within days so a grower could be compliant on one day but not the next;
  - (e) The quantities in the Plan are expressed as tonnes but agrichemicals are in litres;
  - (f) It would be impractical to have to continually update the calculations.
- 11.7 Generally growers do not purchase large quantities of substances to hold in storage as it is effectively money tied up in a storage shed. So they buy as required so the time in storage tends to be short.

They also purchase in response to a crop requirement or pest incursion which can vary season to season

- 11.8 I consider that where there is storage of multiple and changing volumes of substances the Activity Status Table is complex and lacks certainty for a user as to whether they will comply with the thresholds at all times and adds to compliance costs unnecessarily.

## 12. DEFINITIONS

- 12.1 HortNZ made submissions and further submissions on a number of definitions relevant to hazardous substances which are considered in the context of Hearing 8A.

- 12.2 These include:

- (a) Hazardous substances
- (b) Hazardous facility
- (c) Storage
- (d) Use

### *Definition of Hazardous substance (Topic 8 s42A Report Pg 63)*

- 12.3 The notified definition of hazardous substance means:

*Any substance with hazardous properties, including radioactivity, high BOD (Biological Oxygen Demand) and those properties defined as hazardous for the purposes of the Hazardous Substances and New Organisms Act 1996.*

- 12.4 HortNZ made a further submission (FS1168.169) supporting Federated Farmers (680.140) to amend the definition of hazardous substances.

- 12.5 As a result of submissions and the definition of hazardous substance in the National Planning Standards the s42A Report is recommending that the definition in the Planning Standards be used in the Plan and an additional definition for radioactive materials be included.

- 12.6 I support this approach as a definition from the National Planning Standards should not be amended in a Plan.

### *Definition of Hazardous facility (Topic 8 s42A Report Pg 66)*

- 12.7 The notified definition of 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.*

- 12.8 HortNZ made a submission (419.123) seeking the deletion of the definition of hazardous facility and further submissions (FS1168.100) supporting Balle Bros Group (466.1) and Environmental Management Solutions (463.5) also seeking the deletion of hazardous facility.
- 12.9 HortNZ also made a submission seeking alternative relief (419.143) to amend the definition of hazardous facility by exempting vehicles transporting hazardous substances for their intended use such as agrichemical spraying.
- 12.10 HortNZ also supported Federated Farmers who sought a number of exemptions including the use and storage of agrichemicals covered by and in accordance with NZS8409:2004 Management of Agrichemicals.
- 12.11 The s42A Report rejects the HortNZ submissions but recommends that the definition is amended to include a number of exclusions, but not those sought by HortNZ.
- 12.12 The exclusions that are recommended to be added include HSNO classes listed in Rule 1 in Appendix 5 and fuel in mobile plant, vehicles, boats and small engines and domestic scale quantities of hazardous substances.
- 12.13 The provisions for hazardous substances in the PWDP are largely predicated on the use of 'hazardous facilities'. I do not support the use of 'hazardous facilities' but rather focus on the hazardous substances themselves.
- 12.14 Neither HSNO nor Health and Safety legislation refer to 'hazardous facilities'. Nor does the RMA. A number of plans have used the term as the use of HFSP or the AST are contingent on the concept of 'hazardous facility'.
- 12.15 The issues that the Plan should be addressing are the storage, use, disposal and transportation of hazardous substances - whether they are in a hazardous facility or not.
- 12.16 It is noted that the Proposed Christchurch Plan had a definition for hazardous facility but the decision deleted that definition and provisions relating to hazardous facilities.
- 12.17 In addition the definition of hazardous facility would include vehicles carrying hazardous substances on a site. Therefore any farmer or

grower with a spray tank of agrichemicals or load of fertiliser that is to be applied would be regarded as a 'hazardous facility'. Given that the substances are approved for use under HSNO it is not clear what issue the Council is seeking to address by classifying such use as a hazardous facility. Effectively the definition makes a whole farm a hazardous facility.

- 12.18 It is also not clear what a 'short period of time' would mean. The s42A Report (Para 301) considers that the terminology is certain.
- 12.19 Regardless of the interpretation of the second sentence in the definition the first sentence of the definition would make vehicles carrying agrichemicals and fertiliser a hazardous facility as they are an 'activity involving hazardous substances'.
- 12.20 The s42A Report (para 302) also contends that in most instances farming operations would not trigger consent requirements due to the exemptions included in Rule 1 of Appendix 5.
- 12.21 Rule 1 of Appendix 5 lists a number of HSNO classes which are exempt. My understanding is that many agrichemicals will have classifications other than those listed in the rule therefore they would not be exempt. Therefore the whole farm would be a hazardous facility.
- 12.22 Aside from that issue I question how a 'rule' can be included in an Appendix to the plan. If there are exemptions to a rule they should be included in the rule itself, not as an 'addendum' to an Appendix.
- 12.23 A number of district plans have provided exemptions from AST for vehicles applying agrichemicals and fertiliser and I consider such an approach to be pragmatic and reasonable.
- 12.24 An exemption for agrichemicals based on compliance with NZS8409:2004 Management of Agrichemicals is appropriate given that the standard is an approved Code of Practice under HSNO and sets out best practice for use and storage of agrichemicals that meets HSNO requirements. It is unclear what additional controls would be applied to the storage and use of agrichemicals if a consent is required for the activity.
- 12.25 The s42A Report considers that there should not be exemptions for specific activities or industries. I disagree. If there are appropriate mechanisms for managing the potential for effects that the plan is seeking to manage then such mechanisms should be used to reduce duplication of regulation. It is not favouring a particular sector, but rather recognising that hazardous substances can be managed in ways other than the specific rules in the district plan.

- 12.26 The focus should be on the risk of the activity or use and the most efficient and effective way to manage the activity. There has been no evidence presented by Council detailing how the storage and use of agrichemicals in the rural area of Waikato District has led to adverse effects that need to be managed through the approach set out in the Plan.
- 12.27 I support the deletion of the definition of hazardous facility given that the use of AST is not supported.
- 12.28 However if the Hearing Panel are of a mind to retain the notified provisions I support including an exclusion in the definition of hazardous facility for vehicles transporting hazardous substances for their intended use such as agrichemical spraying or application of fertiliser and for the use and storage of agrichemicals in accordance with NZS8409:2004 Management of Agrichemicals.

*Definition of Storage (Topic 8 s42A Report Pg 73)*

- 12.29 The definition of storage means:
- In the context of hazardous substances or hazardous waste, the containment of a hazardous substances 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 a short period of time.*
- 12.30 HortNZ made a submission (419.138) seeking to amend the definition of storage by deleting the second sentence relating to vehicles.
- 12.31 The s42A Report rejects the submission for similar reasons for rejecting the submission on hazardous facilities. As stated above many agrichemicals will not be excluded by Rule 1 in Appendix 5 and so the definition of storage will apply.
- 12.32 It does not appear to be necessary to specify 'vehicles that are stationary within a hazardous facility' because the definition of hazardous facility as notified in fact would make the vehicle itself a hazardous facility.
- 12.33 The definition also presents uncertainty because of the use of 'short periods of time'. While the s42A Report writer considers that a 'common sense' approach should apply, when a definition will determine whether a permitted activity rule will apply there should be certainty as to the definition and hence the application of it in the rule.

- 12.34 Therefore I support the deletion of the second sentence in the definition of storage.

*Definition of Use (Topic 8 s42A Report Pg 74)*

- 12.35 The definition of use in the Plan is:

*Means in the context of a hazardous substance, the manufacturing, processing or handling of a hazardous substance for a particular activity without necessarily changing the physical state or chemical structure of the hazardous substance involved. This includes mixing, blending and packaging operations, or the use of a hazardous substance as a cooling or heating medium. It does not include the filling or drawing of a hazardous substance from bulk storage tanks unless the processing is permanently connected to the bulk storage, and does not include loading out and dispensing of petroleum products.*

- 12.36 HortNZ made a submissions (419.139) seeking to amend the definition of use by excluding the application of agrichemicals and fertilisers.
- 12.37 The s42A Report considers that because the application of agrichemicals and fertilisers are a 'discharge' they are not included within the definition of use in the district plan.
- 12.38 However the term 'handling' is unclear. Taking an agrichemical and putting it into a spray tank would appear to be 'handling' and therefore a 'use'.
- 12.39 The definition includes a number of exclusions to clarify when handling a product would not be deemed to be a use.
- 12.40 I consider that including an exclusion of agrichemicals and fertiliser would be similar and ensure that there is clarity as to what is a 'use' in respect of the district plan.

*Other relevant definitions – sensitive land use*

- 12.41 The term 'sensitive land use' is used throughout the provisions for hazardous substances but is not considered in the s42A Report for Hearing 8A.
- 12.42 It is relevant to note that the term is defined in the Plan and is subject to submissions that are being considered at other hearings. Any changes could affect the implementation of the hazardous substance provisions.
- 12.43 The recommended amendments to the definition of sensitive land use in Hearing 5 is as follows:

*Means:*

- (a) *an education facility, including a childcare facility, waananga and kohanga reo;*
- (b) *a residential activity, including papakaainga building, retirement village, visitor accommodation, student accommodation, homestay;*
- (c) *health facility or hospital;*
- (d) *place of assembly.*

- 12.44 I note that the s42A Report is recommending the addition of 'sensitive environments' in Policy 10.1.2 but the term is not defined or described in the provisions.
- 12.45 Terms used in the provisions for hazardous substances should be clear as to their intended meaning and application.

**13. TOPIC 1: CH 10 HAZARDOUS SUBSTANCES AND CONTAMINATED LAND 10.1 HAZARDOUS SUBSTANCES (S42A REPORT PG22)**

- 13.1 Topic 1 addresses submissions that relate to all of Chapter 10.1 including those that sought a change to the overall approach to management of hazardous substances.
- 13.2 HortNZ made submissions (419.96 and 419.97) seeking changes to the approach to hazardous substances and further submissions (FS1168.161) opposing Waikato District Council (697.569) and FS 1168.162 supporting Federated Farmers (680.119).
- 13.3 The s42A Report rejects the submissions of HortNZ and recommends that the notified approach be retained in the Plan.
- 13.4 This recommendation is based on the assessment by the 42A Report writer that the submissions don't demonstrate how the proposed rules duplicate HSNO or HSWA or explain how Council should ensure that risks are managed to an acceptable level.
- 13.5 I have set out in the first part of this evidence my understanding of HSNO and how it relates to the RMA and why it is unnecessary to include provisions in the Plan that duplicate HSNO requirements and refer the Hearing Panel to those reasons.
- 13.6 I do accept that where there is a clear resource management issue that needs to be addressed in the Plan then that is appropriate but do not consider the blanket provisions across all zones, activities and hazardous substances is appropriately targeted toward specific issues.

- 13.7 Therefore I support the approach taken in Hastings District Plan where there are objectives, policies that establish the framework and rules which provide for hazardous substance use with a focus on areas of specific concern.
- 13.8 Waikato District Council seeks to add an Introduction to Chapter 10. While the inclusion of an introduction has merit, the wording proposed is dependent on the use of hazardous facilities as the underpinning concept in the Plan.
- 13.9 The proposed wording does not clarify the relationship between HSNO and the RMA or why additional controls in the district plan are necessary.
- 13.10 I could support the Introduction if it was amended to reflect a more focussed approach to management of hazardous substances in the district.
- 14. TOPIC 2: OBJECTIVE 10.1.1 EFFECTS OF HAZARDOUS SUBSTANCES (S42A REPORT PG 28)**
- 14.1 Objective 10.1.1 sets the framework for managing the effects of hazardous substances with a focus on managing the risks associated with the storage, use or disposal of hazardous substances and ensure that the effects on people, property and the environment are acceptable.
- 14.2 HortNZ made a submission (419.77) and further submissions (FS1168.163, 164 and 165) supporting Fonterra (797.18), Synlait Milk (581.42) and Federated Farmers (680.120).
- 14.3 I support inclusion of an objective to provide the overall framework and consider that Objective 10.1.1 provides an appropriate overall context. Such an objective is appropriate to the approach to management that I have outlined in 13.7 above.
- 14.4 However I would support the deletion of the word 'facilities' so the focus is on hazardous substances, rather than facilities: *'while recognising the benefits of ~~facilities~~ storing, using or disposing of hazardous substances'*
- 15. TOPIC 3: POLICY 10.1.2 LOCATION OF NEW HAZARDOUS FACILITIES (S42A REPORT PG 33)**
- 15.1 Policy 10.1.2 set out the policy framework for location of new hazardous facilities.
- 15.2 HortNZ made a submission (419.78) seeking to amend Policy 10.1.2 and further submissions (FS1168.164, 166, 167 and 168)



supporting Fonterra (797.18), the Oil Companies (785.42), Federated Farmers (680.121) and opposing Waikato District Council (697.572).

- 15.3 HortNZ sought that the policy be amended to remove the focus on hazardous facilities and supported a similar submission by Federated Farmers.
- 15.4 A submission by Waikato District Council, seeking to widen the scope of Policy 10.1.2 by applying the policy to all hazardous facilities, was opposed.
- 15.5 The s42A Report is recommending that Policy 10.1.2 be amended, much as sought by Waikato District Council.
- 15.6 Federated Farmers sought the deletion of clause iii) regarding containment in the event of an accidental event. The s42A Report rejects this submission point.
- 15.7 The HSNO controls on hazardous substances include requirements for secondary containment. There is no need for the district plan to duplicate this requirement.
- 15.8 Therefore I support the deletion of clause iii).
- 15.9 Given the reasons set out elsewhere in this evidence I do not support the definition of hazardous facilities and consider that a focus on separating the storage of hazardous substances from sensitive land uses would be sufficient, rather than reliance on hazardous facilities.

**16. TOPIC 4: POLICY 10.1.3 RESIDUAL RISKS OF HAZARDOUS SUBSTANCES (S42A REPORT PG 40)**

- 16.1 Policy 10.1.4 set out a framework for assessing the risks associated with hazardous substances.
- 16.2 HortNZ made a submission (419.79) seeking to amend Policy 10.1.3 and further submissions (FS1168.169, 170 and 171) supporting the Oil Companies (785.43), Federated Farmers (680.122) and opposing Waikato District Council (697.573).
- 16.3 Policy 10.1.3 is contingent on the definition of hazardous facilities that is discussed elsewhere.
- 16.4 The s42A Report is recommending changes but not as sought by HortNZ, Federated Farmers or The Oil Companies. The report considers that the policy is important to ensure that appropriate assessment of hazardous facilities is undertaken through a resource consent process.

16.5 The storage, use and disposal of hazardous substances already has a risk assessment undertaken as part of the HSNO assessment and controls applied to manage the identified risks to ensure that the objective of HSNO – to protect people and the environment – is achieved. There is no need to duplicate the assessment in the district plan.

16.6 Therefore I support the deletion of Policy 10.1.3.

**17. TOPIC 5: POLICY 10.1.4 REVERSE SENSITIVITY EFFECTS (S42A REPORT PG 45)**

17.1 Policy 10.1.4 seeks to ensure that reverse sensitivity effects are managed in respect of hazardous substances and hazardous facilities.

17.2 HortNZ made a submission (419.80) seeking to amend Policy 10.1.4 and a further submission (FS1168.172) opposing Waikato District Council (697.574) seeking to amend Policy 10.1.4.

17.3 HortNZ sought to amend the policy by focusing on hazardous substances, but supported the separation of sensitive land uses from where hazardous substances are used or stored.

17.4 Waikato District Council sought to amend the policy by adding ‘as far as practicable’.

17.5 The s42A Report is recommending that the policy be amended to:

*Ensure, as far as practicable, reverse sensitivity effects are avoided between sensitive land use activities and lawfully established hazardous facilities.*

17.6 While there may be some benefit in the revised wording it does not make it clear that sensitive land uses should not locate in areas where hazardous substances are stored and used. Such a separation is a mechanism to avoid reverse sensitivity effects.

17.7 I would support a revised policy that included separation distances:

*Avoid reverse sensitivity effects by ensuring that sensitive land use activities are separated from areas where use and storage of hazardous substances is lawfully established.*

**18. TOPIC 9: APPENDIX 5 (S42A REPORT PG 78)**

18.1 Appendix 5 sets out the Activity Status Table which determines the quantity thresholds that apply in the Plan.

- 18.2 HortNZ made submissions (419.14 and 419.141) seeking deletion of Appendix 5 and further submissions (FS1168.211, 209, 210) supporting Fonterra (797.38), supporting in part Fire and Emergency (378.81) and opposing Waikato District Council (697.319) seeking to amend Appendix 5.
- 18.3 The s42A Report writer rejects submissions seeking to delete Appendix 5 as it is the basis of the approach advocated by the Council's consultant.
- 18.4 As set out earlier in this evidence I do not support the use of AST as a threshold in the Plan. Therefore I support the deletion of Appendix 5.
- 18.5 Appendix 5 includes 'Rules' under the table. It is not usual planning practice to include 'rules' within an Appendix and the status of such 'rules' is questioned. If they are descriptions on how the table should be used then they should be labelled as such. However any exemptions should be included in the rules in Chapter 10, not in the Appendix.

**19. TOPIC 10: INFRASTRUCTURE RULE 14.4.4 (S42A REPORT PG 84)**

- 19.1 Rule 14.4.4a) restricts any new hazardous facility that involves the storage and handling of hazardous substance with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line as a Non complying activity.
- 19.2 HortNZ made a submission (419.105) seeking to amend Rule 14.4.4 to refer to the specific classes which are explosive or flammable.
- 19.3 The submission referred to Class 2-4 which are flammable classes but omitted Class 1 Explosives.
- 19.4 I consider that it would be clearer to plan users if the HSNO classes are used rather than discriptors.

**20. TOPIC 17: RURAL ZONE (S42A REPORT PG 119)**

- 20.1 The rules for hazardous substances were contained within zone chapters in the notified Plan, including the Rural Zone.
- 20.2 As a result of the National Planning Standards framework the s42A Report writer is recommending that the rules be restructured into one chapter. This is supported to the extent that it streamlines the provisions. However the substance of the provisions remains a matter of concern.

- 20.3 HortNZ made submissions (419.14 and 419.15) seeking deletion of Rule 22.2.4 and Table 6.1 and 419.16 seeking 22.2.4 D1 to RDA and further submissions (FS1168.69, 70) supporting Fonterra (797.27) and Federated Farmers seeking to amend Rule 22.2.4.
- 20.4 HortNZ, along with a number of other submitters, sought the deletion of Rule 22.2.4. The s42A Report does not accept the submissions.
- 20.5 As set out elsewhere in this evidence, the AST approach is not supported so deletion of 22.2.4 is supported.
- 20.6 However given the approach set out in 13.7 above I would support the inclusion of a permitted activity rule as follows:

P1	The use, storage or disposal of hazardous substances meeting HSNO requirements
----	--

## 21. CONCLUSION

- 21.1 This evidence has set out the reasons for why I do not support the approach in the notified Plan for managing hazardous substances.
- 21.2 These reasons include:
- (a) The purpose of HSNO is to protect the environment, and health and safety of people and communities and is achieved through controls on hazardous substances.
  - (b) The focus should be on hazardous substances rather than hazardous facilities. Hazardous facilities are not part of the RMA, HSNO or HSW Act and are a legacy from use of HFSP.
  - (c) Duplication with HSNO provisions leads to unnecessary regulation.
  - (d) The Hazard Substance (Hazardous Property Control) Notices 2017 have not been included in the assessment of the appropriateness of the proposed provisions.
  - (e) Complexity and cost of compliance of proposed provisions leading to difficulty for growers to implement AST within their operations
  - (f) The lack of analysis on specific resource management issues for hazardous substances in Waikato District

- (g) No evidence of the ineffectiveness of the provisions for hazardous substances in the Operative Franklin District Plan
- 21.3 I support provisions for hazardous substances as follows:
- (a) Objectives, policies that establish the framework
  - (b) Rules which provide for hazardous substance use which complies with HSNO
  - (c) Specific rules for areas of specific concern in response to identified issues for the Waikato District
- 21.4 Such provisions would be efficient and effective in achieving the objective to protect people, property and the environment.

**Lynette Wharfe**

**18 December 2019**

## Appendix 1: Experience of Lynette Wharfe

Some of the projects I have been involved in that I consider are particularly relevant in this context are:

- a) Project Manager and facilitator for a Sustainable Management Fund (“**SMF**”) Project ‘Reducing nitrate leaching to groundwater from winter vegetable crops’, to develop management tools for vegetable growers to implement best practice for fertiliser applications, to assist in changing fertiliser usage.
- (b) Managed an SMF project for NZ Agrichemical Education Trust communicating the revised NZS 8409:2004 Management of Agrichemicals to local authorities throughout NZ, including development and leading workshops with councils.
- (c) Revised the Manual for the Introductory GROWSAFE® Course for the NZ Agrichemical Education Trust, to make the Manual more user friendly and accessible and to align it with the Hazardous Substances and New Organisms legislation. (
- (d) Managing the research component for SFF project – SAMSUN – developing a framework for the development of Sustainable Management Systems for agriculture and horticulture.
- (e) Project Manager MAF Operational Research Project Effectiveness of Codes of Practice investigating the use of codes of practice in the agriculture and horticulture sectors.
- (f) Undertook a review of Current Industry and Regional Programmes aimed at reducing pesticide risk, including assessing a number of Codes of Practice.
- (g) Contributed as a project team member for a Sustainable Farming Fund project ‘Environmental best practice in agricultural and rural aviation’ that included developing a Guidance Note on agricultural aviation, which is now on the Quality Planning website.
- (h) Undertook a review of agrichemical provisions in the Auckland Regional Air Land and Water Plan and developed a risk based response for inclusion in the Proposed Auckland Unitary Plan.

**Attachments**

Christchurch Replacement Plan Decision 18 Chapter 12 Hazardous substances and contaminated land 15 March 2016

Hastings District Plan Chapter 29