

10. Hazardous Substances

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	General		
88.64 Federated Farmers	General	The submitter is of the view that where (HSNO) provides adequate rules and protection, any additional controls and requirements have the potential to add an unnecessary layer of confusion and lack of clarity as to maximum permitted quantity thresholds in the rural area. There are also additional costs to farmers where the District Plan requires a resource consent application for a quantity of substance HSNO otherwise permits and too that end the submitter supports a permitted framework that aligns the rules with meeting HSNO standards and thresholds.	That Council adopt the issues, policies and methods in this area and ensure: <ul style="list-style-type: none"> • That Council focus on improving education, information-sharing and good practice guidelines in this area; • That Council continue to work collaboratively with Environment Southland in this area, sharing information and maintaining public registers; • That as HSNO is the more specific regulation, as long as those requirements are being met, that any plan requirement should align with those in a permitted activity framework, particularly in less-sensitive zones such as the rural zone.
105.2 ICC – Environmental Health and Compliance Services	General	The submitter supports the hazardous substances issues, objectives and policies. The submitter also makes recommendations to ensure that the rules in the Plan are detailed and require assessment of relevant environmental standards	The submitter supports the issues, objectives and policies, and recommends: <ol style="list-style-type: none"> a. The provision of detailed rules for hazardous substances. b. The provision of a set of standards for approval of storage, handling areas, disposal, and removal of underground petroleum storage systems and associated impacted soil at Service Stations with specific compliance requirements. c. In considering resource consents, whether or not to grant consent or impose conditions, the Council must have regard to, but not be limited by this assessment criterion.

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SECTION 2.7 HAZARDOUS SUBSTANCES - ISSUES, OBJECTIVES, AND POLICIES			
	General		
77.18 Te Runaka o Waihopai and Te Runaka o Awarua	General	Support this section	Retain
	Introduction		
18.41 Environment Southland	Introduction	<p>The submitter believes that the District Plan should acknowledge that the Invercargill City Council and Environment Southland share functions under the Resource Management Act 1991 for the control of the use of land with the purpose of prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances.</p> <p>The submitter also believes that the District Plan should address the Southland local authority responsibilities for managing hazardous substances, as set out in Chapter 12 of the PSRPS 2012.</p>	<p>Amend Section 2.7 of the District Plan by inserting the following wording [or similar], as well as any consequential amendments:</p> <p><u>The Invercargill City Council and Environment Southland share functions under the Resource Management Act 1991 for the control of the use of land with the purpose of prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances.</u></p> <p><u>The Proposed Southland Regional Policy Statement 2012 states local authority responsibilities for managing hazardous substances, as follows:</u></p> <ul style="list-style-type: none"> <u>Environment Southland controls the use of land to manage the effects of hazardous substances in the beds of lakes and rivers and in the coastal marine area.</u> <p><u>The Invercargill City Council controls the use of land to manage the effects of hazardous substances on all other land.</u></p>
24.20 South Port NZ Ltd	Introduction	The submitter considers that the introduction does not adequately recognise that Central government agencies (the EPA), regional and territorial authorities all hold similar responsibilities for the control of adverse effects arising from the storage, transport, use and disposal of	Amend the introduction to ensure that unnecessary duplication between the roles of agencies managing hazardous substances is avoided.

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		<p>hazardous substances. The submitter considers that this duplication of roles and legislative requirements has the potential to create inefficiencies and/or uncertainty for resource users and the community. For example the purpose of the HSNO is to protect the environment and human health arising from the adverse effects of hazardous substances and new organisms.</p> <p>The submitter considers that it needs to be recognised that the RMA only needs to control hazardous substances where a real risk to human health or the environment is likely and is not otherwise managed by the provisions of the HSNO Act for example.</p>	
71.14 NZAS Ltd	Introduction	Support in part. The submitter seeks a minor amendment to the last paragraph to ensure consistency with the objectives and policies that follow.	Amend the last paragraph of the introduction as follows: “If not managed effectively, the manufacture, storage, use, disposal and transportation of hazardous substances <u>can</u> pose significant threats to the environment and the health and well-being of the community.”
90.5 H W Richardson Group Ltd	Introduction	<p>The submitter considers that the introduction does not adequately recognise that Central government agencies (the EPA), regional and territorial authorities all hold similar responsibilities for the control of adverse effects arising from the storage, transport, use and disposal of hazardous substances. The submitter considers that this duplication of roles and legislative requirements has the potential to create inefficiencies and/or uncertainty for resource users and the community. For example the purpose of the HSNO is to protect the environment and human health arising from the adverse effects of hazardous substances and new organisms.</p> <p>The submitter considers that it needs to be recognised that the RMA only needs to control hazardous substances where a real risk to human health</p>	Amend the introduction to ensure that unnecessary duplication between the roles of agencies managing hazardous substances is avoided.

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		or the environment is likely and is not otherwise managed by the provisions of the HSNO Act for example.	
	2.7.1 Issues		
71.15 NZAS Ltd	Issue 1	Support in part. The submitter seeks a minor amendment so that the Issue fits with the introductory statement	Amend Issue 1 as follows: “If not managed appropriately, the manufacture, storage, use, disposal and transportation of hazardous substances...”
	2.7.2 Objectives		
13.1 Z Energy Ltd	Objective 1	Support	Retain Objective 1 without modification
	2.7.3 Policies		
13.2 Z Energy Ltd	Policy 1 Environment and Policy 2 Public health	Support	Retain Policy 1 and 2 without modification
15.1 Balance Agri-Nutrients Ltd	Policy 1 – Environment	Support	Retain Policy 1 as proposed.
65.16 ICC Environmental and Planning Services	Policy 1 – Environment	Support in part. The submitter notes that the policy does not refer to the transportation of hazardous substances, but the explanation does	Amend Policy 1 to read: “Ensure that hazardous substances are manufactured, stored, used, <u>transported</u> and disposed of in a manner that avoids, remedies or mitigates adverse effects on the environment”
65.17 ICC Environmental and Planning Services	Policy 2 Public health	Support in part. The submitter notes that the policy does not refer to the transportation of hazardous substances, but the explanation does	Amend Policy 2 to read: “Ensure that hazardous substances are manufactured, stored, used, <u>transported</u> and disposed of in a manner that avoids adverse effects on public health”
13.3 Z Energy Ltd	Policy 3 Accidents	Once there is an accidental release of hazardous substances, the focus of the policy should be on managing the risks associated with such an incident, rather than on avoiding, remedying or mitigating the effects on the environment per se.	Amend Policy 3 to focus on the management of the potential risks associated with the accidental release of hazardous substances along the following lines: “To establish facilities, systems and procedures which will <u>minimise the risk</u> ensure avoidance, remediation,

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			<p>of mitigation of soil, groundwater, water courses and air in the event of accidents involving hazardous substances.</p> <p>Explanation: The manufacture, storage, use, transportation and disposal of hazardous substances can ... hazardous substances in such a manner that will <u>not manage the potential for adversely affect effects on the environment.</u> The Council will ...”</p>
15.2 Ballance Agri-Nutrients Ltd	Policy 3 - Accidents	Support	Retain Policy 3 as notified.
65.18 ICC Environmental and Planning Services	Policy 3 - Accidents	Support in part. The submitter considers that it is not clear in the Policy who is going to establish the facilities systems and procedures referred to. The policy should be reworded to state that Council will work in collaboration with other organisations in giving effect to the policy.	Amend Policy 3 to read: “ <u>To collaborate with other organisations to establish facilities, systems and procedures which will...</u> ”
13.4 Z Energy Ltd	Policy 4 - Transportation	The submitter states that it is inappropriate to regulate the transportation of hazardous substances in the District Plan except in a very broad sense. They believe it should be made clear that the safe transportation of hazardous substances and the management of actual or potential effects of the transport of hazardous substances area addressed through other legislation and should not be achieved through controls on individual land use consents. Many transportation routes may need to be determined according to the prevailing conditions of the day. The applicant believes it is wrong to suggest that promoting movement of hazardous substances along main transport routes will protect the environment.	Delete Policy 4 Transportation
13.5 Z Energy Ltd	Policy 5 - Other legislation and Policy 6 - Knowledge	States that the policy is appropriately risk based.	Retain Policy 5 and Policy 6 without modification
15.3 Ballance Agri-Nutrients	Policy 5 - Other Legislation	Support. The submitter is particularly supportive of the policy in terms of the scope it provides for the reduction in the duplication of	Retain Policy 5 as notified.

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Ltd		process/management of effects between the Act and the HSNO Act (including Fertiliser Industry Standards)	
24.21 South Port NZ Ltd	Policy 5 – Other Legislation	Support in part. The submitter considers that this policy should also seek to explicitly avoid unnecessary duplication in the management of such activities.	Amend the policy as follows: “To recognise the provisions of other legislation ... and disposal of hazardous substances <u>and to avoid the unnecessary duplication of the regulatory control of such substances.</u> ”
52.1 NZ Police	Policy 5 – Other Legislation	Support. The submitter notes that the hazardous substances rules are more restrictive on above ground storage of fuel than is supported by this policy.	Retain Policy 5.
90.6 H W Richardson Group Ltd	Policy 5 – Other Legislation	Support in part. Support in part. The submitter considers that this policy should also seek to explicitly avoid unnecessary duplication in the management of such activities.	Amend the policy as follows: “To recognise the provisions of other legislation ... and disposal of hazardous substances <u>and to avoid the unnecessary duplication of the regulatory control of such substances.</u> ”
102.1 Chorus NZ Ltd	Policy 5 - Other Legislation	Support. The submitter notes that the policy is not reflected in the rules section, which is more restrictive on above ground storage of fuel than supported by this policy	Retain Policy 5, but modify rules to reflect this policy in the rules section
104.1 Telecom NZ Ltd	Policy 5 - Other Legislation	Support. The submitter notes that the policy is not reflected in the rules section, which is more restrictive on above ground storage of fuel than supported by this policy	Retain Policy 5, but modify rules to reflect this policy in the rules section
18.42 Environment Southland	New Policy	The submitter points out that Environment Southland and the Invercargill City Council share functions under the Resource Management Act 1991 for controlling the use of land to manage the effects of hazardous substances. It is therefore considered appropriate that the District Plan contain a policy to develop and maintain an integrated and collaborative approach to the management of hazardous substances.	Amend 2.7 by inserting a new policy as follows [or similar], as well as any consequential amendments: <u>Policy xx Collaboration:</u> <u>To develop and maintain and integrated and collaborative approach amongst Central Government, regional and territorial authorities, and landowners to the management of hazardous substances.</u>
	2.7.4 Methods of Implementation		
71.16 NZAS Ltd	Method 1	Oppose. The submitter considers that the regime of the HSNO Act 1996 and its regulations appropriately regulate hazardous substances.	Delete Method 1
117.7 Southern	Method 6	The submitter supports Method 6, which refers to the development and	Support Method 6

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District Health Board		dissemination of information on good practice in storing, handling and using hazardous substances in response to public enquiries and t connect applications	
SECTION 3.7 RULES			
87.45 Transpower NZ Ltd	3.7.1 and 3.7.2	Support.	Retain Rules 3.7.1 and 3.7.2 as notified.
71.51 NZAS Ltd	3.7.1	Oppose. The submitter considers that the regulation of Hazardous substances is best left to the HSNO Act and its associated regulations. The submitter considers that the thresholds set out in Appendix VII are inappropriate, with some levels more stringent than HSNO and others more lenient. With an impending review of HSNO the thresholds may also be out-of-date in the near future. The submitter also considers the application of 3.7.1(f) to the Seaport Zone and not the Smelter Zone is inconsistent and the requirements technically difficult	Replace 3.7.1 with the following: <u>“ If an activity complies with the requirements below, it is a permitted activity:</u> (a) <u>The activity complies with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO), and its associated regulations; and</u> (b) <u>A valid Hazardous Substance Location Certificate as required by HSNO is held; and</u> (c) <u>The name and address of the Test Certifier issuing certificates under the HSNO regime (includes Hazardous Substance Location Certificates and various design certificates) is provided to the Council; and</u> (d) <u>Copies of all Hazardous Substance Location Certificates are provided to the Council.”</u>
88.79 Federated Farmers	3.7.1	Support in part. The submitter considers that particularly for less-sensitive areas, a permitted activity framework can operate without compromising public safety where relevant specified HSNO regulations are complied with. The submitter has suggested an additional Group Standard for inclusion as this is consistent with that used by other territorial authorities within their Hazardous Substances permitted activities framework, and has also	Adopt the permitted activities rule along with the minor amendments proposed below: (B) “The storage and use of Class 3 fuels on farms over four hectares, in accordance with the Environmental Protection Agency’s Approved Practice Guide for Above-ground Fuel Storage on Farms, September 2010 <u>January 2012 EPA 0135</u> ”

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		suggested some minor wording changes to reflect the latest Environmental Protection Agency Guideline on Above-Ground Fuel Storage and the name change from FertResearch to the Fertiliser Association of New Zealand.	(C) The storage and use of fertiliser within the Group 4: Rural 1, Rural 2 and Airport Protection Zones in accordance with the: a. Fertiliser (Corrosive) Group Standard HSR002569. b. Fertiliser (Oxidising) Group Standard HSR002570. c. Fertiliser (Subsidiary Hazard) Group Standard HSR002571. d. <u>Fertiliser (Toxic) Group Standard HSR002572 and</u> e. FertResearch's Code of Practice for Nutrient Management 2007."
65.91 ICC Environmental and Planning Services	3.7.1 (B)	Support in part. The submitter notes that there is a more up-to-date version of the EPAs Approved Practice Guide for Above Ground Fuel Storage on Farms	Change reference to the: "Environmental Protection Agency's Approved Practice Guide for Above Ground Fuel Storage on Farms, <u>2012</u> 2010 "
15.26 Balance Agri-Nutrients Ltd	3.7.1 (C)	Support (in part). The submitter is supportive of the general intent of the rules to provide a permitted activity status for the use and storage of fertiliser in certain zones when carried out in accordance with the Fertiliser Group Standards of the HSNO Act, but is concerned that Rule 3.7.1(C) does not include the 'Fertiliser (Toxic) Group Standard HSR002572'. The submitter can see no resource management justification for the omission of the 'Fertiliser (Toxic) Group Standard HSR002572' and considers this may be a drafting oversight. The submitter notes that activities carried out in accordance with this	i. That Hazardous Substances Rule 3.7.1(C) be amended and adopted as follows: "The storage and use of fertiliser within the Group 4: Rural 1, Rural 2 and Airport Protection Zones in accordance with the: (a) Fertiliser (Corrosive) Group Standard HSR002569; and (b) Fertiliser (Oxidising) Group Standard HSR002570; and (c) Fertiliser (Subsidiary Hazard) Group Standard HSR002571; and (d) <u>Fertiliser (Toxic) Group Standard HSR002572; and</u>

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		standard have been advanced as permitted activities within several other District Plans.	(e) FertResearch's Code of Practice for Nutrient Management 2007." ii. Any similar amendments to like effect. iii. Any consequential amendments that stem from the amendment set out above.
24.61 South Port NZ Ltd	3.7.1 (C) and (F)	The submitter supports (F) which avoids unnecessary duplication in regulatory control with respect to such matters. The submitter considers that clause (C) should be broadened to also include the storage of fertiliser within the Seaport Zone. Fertiliser is imported via the Port facilities and there is also a dedicated storage facility for such purposes.	Amend clause (C) to include the storage of fertiliser within the Seaport Zone. Retain clause (F).
91.17 PowerNet Ltd	3.7.1 (D)	Support. The submitter considers that transformers and switching gear are a fundamental part of the electricity network and it is appropriate that they are provided for as a permitted activity	Retain 3.7.1
13.7 Z Energy Ltd	3.7.1 (G)	Support subject to amendment. The submitter considers that the storage of LPG in single or multiple vessel storage tanks should be permitted. The submitter considers that a shift in the practice of supplying LPG means that there are premises selling LPG in small vessels, such as service station, and that this practice should be recognised in the Plan	Amend 3.7.1(G) by adding the following: <u>"(ii) The storage of HSNO class 2.1.1A LPG in single or multiple vessel storage tanks."</u>
102.11 Chorus NZ Ltd	3.7.1(G) and (H)	The submitter supports (G) which permits any volume of storage in underground tanks. The submitter opposes (H) on the grounds that the volume limits for above ground storage of diesel is too onerous	Retain 3.7.1(G) Amend 3.7.1(H) and related Appendix so that the volume limits are increased for facilities that comply with HSNO regulations to 10,000 litres.
104.11 Telecom NZ Ltd	3.7.1(G) and (H)	The submitter supports (G) which permits any volume of storage in underground tanks. The submitter opposes (H) on the grounds that the volume limits for above ground storage of diesel is too onerous	Retain 3.7.1(G) Amend 3.7.1(H) and related Appendix so that the volume limits are increased for facilities that comply with HSNO regulations to 10,000 litres.
52.7 NZ Police	3.7.1 (H)	Oppose. The submitter considers the limits for above ground storage of diesel are very onerous. The submitter explains that many of their radiocommunication sites have back-up electricity generation and that these facilities meet the requirements under HSNO legislation, and	Amend Rule 3.7.1(H) and Appendix VII so that the volume limits are increased to 10,000 litres for above ground diesel storage for facilities that comply with HSNO regulations.

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		therefore should not be subject to additional consent processes for small quantities of storage.	
71.52 NZAS Ltd	3.7.2 and 3.7.3	Oppose. The submitter considers that the regulation of Hazardous substances is best left to the HSNO Act and its associated regulations. The submitter considers that the thresholds set out in Appendix VII are inappropriate, with some levels more stringent than HSNO and others more lenient. With an impending review of HSNO the thresholds may also be out-of-date in the near future.	Delete 3.7.2 and 3.7.3
88.80 Federated Farmers	3.7.2	Oppose in part. The submitter believes that the activity status as proposed is overly onerous and that a provision for controlled activity status activities is more appropriate, with Council restricting the exercise of its control to considering specified matters, which can adequately address the risks associated in this area.	Reduce the activity status from 'discretionary' to 'controlled' or provide an additional category between permitted and discretionary over which Council can specify appropriate controlled activities.