



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 25

Hazardous Substances

Hearings Committee

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

INDEX

- Introduction** 1
- The First Hearing**..... 1
 - Section 42A Report..... 1
 - Submitters Attending the Hearing 2
 - Material Tabled at the Hearing 3
- The Second Hearing** 4
 - Section 42A Report..... 4
 - Submitters Attending the Hearing 4
 - Material Tabled at the Hearing 4
- Matters Requiring Particular Consideration**..... 5
 - Relationship Between HSNO and the RMA..... 5
 - Volumes of Hazardous Substances at the NZAS Smelter 6
- Section 32 Matters**..... 6
 - Requirements 6
 - Assessment..... 7
- Appendix 1 Decisions on Submissions** 11
 - General 11
 - 2.7 Hazardous Substances – Issues, Objectives and Policies 12
 - General 12
 - Introduction 13
 - 2.7.1 Issues..... 15
 - 2.7.2 Objectives 15
 - 2.7.3 Policies 15
 - 2.7.4 Methods of Implementation 20
 - Zone Specific Policies..... 21
 - 2.19.3 Airport Operations Zone 21
 - 2.20.3 Airport Protection Zone 22
 - 2.31.3 Industrial 2 Zone and 2.32.3 Industrial 3 Zone 22
 - 2.40.3 Rural 1 Zone and 2.41.3 Rural 2 Zone 23
 - Rule 3.7 Hazardous Substances 24
 - General 24
 - Definitions..... 29
 - Appendix VII..... 30
- Appendix 2 Amended District Plan Provisions** 31

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

INTRODUCTION

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this Decision we consider the submissions lodged in relation to "hazardous substances".

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Reports prepared for the Committee considered these matters in detail and we have had regard to them. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"FS" means Further Submission.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"Hearings Committee" or "the Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"HSNO" or "HSNO Act" means the Hazardous Substances and New Organisms Act 1996.

"IAL" means Invercargill Airport Limited.

"MfE" means Ministry for the Environment.

"NZAS" means New Zealand Aluminium Smelter Limited.

"The Oil Companies" means Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"South Port" means South Port New Zealand Limited.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

THE FIRST HEARING

The first hearing to consider submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 2 March 2015.

Section 42A Report

The Hearings Committee received a report from Joanna Shirley, Policy Planner at the Invercargill City Council. In her report, Mrs Shirley advised that under the RMA Regional Councils and Territorial Authorities have been given a specific function to control the potential effects of the use, development, or protection of land, for the purpose of preventing or mitigating any adverse effects of the storage, use, disposal, or transportation

of hazardous substances. In her view, the Proposed District Plan meets this function through its provisions, by placing controls on the different classes of hazardous substances in order to ensure that adverse effects are avoided, remedied or mitigated.

Mrs Shirley noted the key concern of the submitters was on the overall approach of the Plan in addressing hazardous substances. Submissions consider that the HSNO Act already provides adequate control in managing hazardous substances and that the District Plan provides unnecessary duplication of these controls. In her view, the approach of the Proposed District Plan is necessary in order to ensure the appropriate management of hazardous substances. The Plan has sought to align its provisions with HSNO and avoid any unnecessary duplication. However, she stated that in some instances duplication or more stringent controls are necessary in order to address a specific resource management issue, not otherwise controlled by HSNO.

At the hearing, Mrs Shirley introduced Rex Alexander of Envirocom (NZ) Limited who had advised Council staff in the preparation of the Proposed District Plan and the Section 42A Report. In reply to questions from the Committee Mr Alexander highlighted that the HSNO legislation sought to ensure that hazardous substances were safely transported, stored, and used, and appropriate protection was provided to areas where they were stored. He advised the Committee that it was the role of the RMA to ensure safety and provide protection to people and communities, particularly in relation to their storage. Mr Alexander gave an example of chlorine used at swimming pools which creates a gas that has the potential to cause discomfort to people on properties nearby. In his view it is an RMA issue to assess whether a buffer area should be provided between the area where the chemical is used and any residential property.

The Committee also sought advice from Mr Alexander as to the appropriate provisions that should apply to the storage of LPG in cylinders where associated with the “swap and go” services and selling of gas bottles at service stations. He explained there are appropriate HSNO Act requirements that control where LPG bottles can be stored on a service station and an increase in the allowable limit to 450 kg is appropriate recognising this.

Submitters Attending the Hearing

Federated Farmers

Ms Tanith Robb appeared on behalf of Federated Farmers of New Zealand, reading a statement prepared by David Cooper, Senior Policy Adviser.

Mr Cooper in the written statement supported changes recommended to the Introduction, Issue 1, the new policy and Rule 3.7.1. However, he noted some minor wording changes were required to reflect the EPA Guidelines on above-ground fuel storage to adopt the name change from FertResearch to the Fertiliser Association of New Zealand.

Mr Cooper requested that further consideration be given to Submission 88.80 to amend Rule 3.7.2 to a controlled activity, so as to provide certainty to farmers that fertiliser and other materials could be stored temporarily on farm land prior to application or use. A discussion then took place between Ms Robb and Mrs Shirley, the outcome of which indicated that the temporary storage of fertilisers and other materials was provided for by the Plan as a permitted activity.

Invercargill Airport Limited

Kirsty O'Sullivan of Mitchell Partnerships appeared on behalf of IAL, together with Chloe Surridge, General Manager of IAL. Mrs O'Sullivan advised that IAL accepted the recommendations as they applied to their submissions and further submissions on this topic.

Material Tabled at the Hearing

PowerNet Limited

Joanne Dowd of Mitchell Partnerships Limited advised on behalf of PowerNet Limited that the recommendations in the Section 42A Report were accepted.

H W Richardson Group Limited

Joanne Dowd of Mitchell Partnerships Limited advised on behalf of H W Richardson Group Limited that it still opposed the hazardous substances provisions of the Proposed Plan because they duplicated matters dealt with by the HSNO Act and considered there was no justification provided in the Section 32 Evaluation for the approach adopted. Mrs Dowd also stated that a review of the HSNO Act would likely result in further inconsistencies and it would be preferable to rely on the HSNO Act rather than include limits in the Plan. She considered the recommended amendment to 2.7.3 Policy 1 as unnecessary and requested that the addition sought by the submitter to Rule 3.7.1 be adopted.

Mrs Dowd also referred to Further Submission FS11/4 of H W Richardson Group Limited which opposes referring to transportation within Policy 1. She considered that it is inappropriate to regulate the transportation of hazardous substances through resource consents.

South Port NZ Limited

Claire Hunter of Mitchell Partnerships Limited advised on behalf of South Port that it accepted the changes recommended to the introductory text relating to hazardous substances management within the Seaport Zone.

Ms Hunter noted South Port in Further Submission FS7/17 agreed with NZAS that the rules in this section of the Plan should be removed because sufficient regulatory control was available through the HSNO Act. She accepted that the RMA enables the Council to manage adverse environmental effects arising from the storing, using, disposing, or transporting hazardous substances. However, she does not see any sound resource management reason for the inclusion of the thresholds that have been derived for the Proposed Plan, nor have these been adequately justified in Section 32 terms.

The Oil Companies

Karen Blair of Burton Consultants, on behalf of the Oil Companies, questioned why additional District Plan controls on hazardous substances are needed over and above those set out in HSNO and, if so, what the nature of those controls might be. She referred to the current guidance from the Ministry for the Environment that in general, hazardous facilities which comply with the HSNO requirements for the management of hazardous substances should not have significant actual adverse effects on the environment. Further, that the inclusion of hazardous substances provisions in District Plans should be the exception and not the rule and included only when a rigorous Section 32 analysis shows that these controls are justified.

Mrs Blair added that the MfE guidance goes on to identify a range of situations where additional District Plan controls may be appropriate such as:

- for substances not controlled by HSNO;
- for issues that are not within the scope of HSNO, such as reverse sensitivity; or
- where a site has unusual characteristics that are not contemplated or addressed by the relevant HSNO controls, such as proximity to water courses or potable water supplies, wetlands or cultural issues.

Mrs Blair advised the Committee that if the Council does consider District Plan controls are still required, then these should only be applied to those matters where HSNO does not provide sufficient management of risks associated with those substances, and all other provisions should be deleted. She also stated that no additional control on service station facilities is necessary.

THE SECOND HEARING

The second hearing to consider the submissions lodged to Appendix VII Hazardous Substances was held in the Council Chambers of the Invercargill City Council on 1 September 2015.

Section 42A Report

The Hearings Committee received a report, entitled "Report 39 Miscellaneous Submissions" from Liz Devery, Senior Policy Planner at the Invercargill City Council. Mrs Devery referred to a submission by NZAS seeking the deletion of Appendix VII. She considered the issues raised as being the same as those dealt with at the first hearing and recommended that the submission be rejected. She also referred to a submission of the Department of Conservation opposing the approach adopted in the Appendix to ecotoxic hazardous substances. Mrs Devery highlighted that ecotoxicity was to be taken into account in considering any resource consent required when threshold limits allowed under other classes were exceeded. As a consequence, it was not necessary to specify limits for ecotoxic hazardous substances.

Submitters Attending the Hearing

NZAS Ltd

Craig Scarlett, the Specialist Environment and Hazardous Substances at NZAS provided written evidence to the Committee in which he outlined the volumes of the various hazardous substances stored on the site which far exceeded those permitted by the Proposed Plan. He highlighted that volumes of hazardous substances permitted within the Smelter Zone were unrealistically low because the Smelter Zone was included in the same category as sites within the Industrial 2 - 4 zones. It was also his view that NZAS was in a unique situation being in an isolated location with strict site security, a detailed emergency response plan and on-site fire and ambulance services.

Mr Scarlett reinforced the NZAS position that the hazardous substances provisions in the Proposed Plan duplicated the HSNO Act provisions and should be deleted. If that was not done, then a second preference would be to exempt the Smelter Zone from the Plan requirements. A third preference would be providing separately for the Smelter Zone with permitted hazardous substances at a level that reflected the existing approved maximum level held on the site. To facilitate the third preference Mr Scarlett provided a copy of the Hazardous Substances Location Test Certificate showing the approved level of various hazardous substances at the smelter. However, he indicated other substances were also held and additional information would need to be provided to the Council to enable the details to be inserted into Appendix VII.

Material Tabled at the Hearing

Department of Conservation

Geoff Deavoll, Resource Management Planner with the Department of Conservation, advised of the withdrawal of Submission 64.23 relating to Appendix VII.

MATTERS REQUIRING PARTICULAR CONSIDERATION

Relationship between HSNO and RMA

The relationship between the HSNO Act and the provisions in the District Plan was a matter of contention between a number of submitters and those persons advising the Committee. In short, the submitters argued that the HSNO Act provided adequate control of hazardous substances, and the matters contained in the District Plan duplicated these. It was requested that the District Plan rules be deleted.

The view of Council staff and technical experts advising the Committee was best summarised by Rex Alexander at the hearing, where he stated that the HSNO Act sought to ensure that hazardous substances were safely transported, stored, and used, and appropriate protection was provided to areas where they were stored. In other words, the HSNO Act was there to protect the hazardous substances. Mr Alexander also advised the Committee that it was the role of the RMA to ensure safety and provide protection to people, communities and the wider environment, particularly in relation to their storage.

The Committee considered this a clear cut issue. The two enactments provided for hazardous substances from two different perspectives and in different ways. As a consequence, it concluded that it was appropriate to include rules in the District Plan in relation to the manufacture, storage, use and disposal of hazardous substances. The Committee noted that the zone rules applied to the manufacture, use and disposal of hazardous substances whereas their storage was considered in Section 3.7 and Appendix VII. The Committee concluded that such an approach was intended by the RMA and did not duplicate the provisions of the HSNO Act. The Committee noted also that for some substances "no thresholds" have been provided in Appendix VII. In these cases, the Council was of the view that the matters of potential concern were being considered through other Acts, and to include controls in the District Plan in such circumstances would be an unnecessary duplication of procedures.

Ms Hunter on behalf of South Port accepted that the RMA enables the Council to manage adverse environmental effects arising from the storing, using, disposing, or transporting hazardous substances. However, she did not consider the District Plan provisions had been adequately justified in Section 32 terms. H W Richardson Group Limited made a similar comment. In considering this matter, the Committee noted that neither submitter lodged an explicit submission referring to the Section 32 assessment undertaken with regard to hazardous substances as required by Section 32A of the RMA. As a consequence, the submitters had no authority to raise the matter at this stage. Notwithstanding that, the Committee is satisfied that the Section 32 assessment carried out at the time of the release of the Proposed Plan adequately considered this matter, noting that sole reliance on the HSNO Act would not achieve the purpose of the RMA as the HSNO Act "relates largely to the technical aspects of storing, using and disposing of hazardous substances and not necessarily assessing environmental impacts". The Committee concluded that it is not appropriate to rely solely on the HSNO Act and that provision, including rules, was required in the District Plan.

The Committee did accept however that clear boundaries were required as to the matters that the Council would seek to manage through the RMA processes, and in particular in considering resource consents. The Committee agreed with further submissions FS7.15 South Port New Zealand Ltd and FS11.4 H W Richardson Group Ltd in opposing the consideration of the "transportation" of hazardous substances when assessing resource consents. The Committee accepted that other legislation, the Land Transport Act 1998 and the HSNO Act 1996, adequately regulated the transportation of hazardous substances. The Committee also noted that the Council as a condition on a resource consent cannot direct which route is used for the transport of hazardous substances. As a

consequence, the Committee agreed with the submitters that the rules and assessment matters for resource consents should not refer to the transportation of hazardous substances.

The Committee however did consider that the transport of hazardous substances had the potential to impact on the health and safety of people and communities, and was therefore a resource management issue that could be dealt with in the District Plan. This was reinforced by the wording of section 31(1)(b)(ii) of the RMA that referred to the "transportation" of hazardous substances. As a consequence, non-regulatory options could be adopted by the Council, for example, to advocate or encourage the use of particular routes. This can be provided for in District Plan policies and methods. The Committee considered this should be made clear in the introductory text. At a policy level the Committee considered that Policy 4 in section 2.7.3 was worded appropriately.

Volumes of Hazardous Substances at the NZAS Smelter

In the Proposed Plan, the NZAS Smelter is grouped with the Industrial 2 - 4 Zones in setting permitted volumes of hazardous substances for individual sites. The evidence of Craig Scarlett at the second hearing clearly demonstrated to the Committee that the volumes permitted at the smelter site were totally inadequate.

Having regard to the matters discussed above on the relationship between the RMA and HSNO legislation, the Committee concluded that it was necessary to retain Appendix VII as it set the permitted limits that applied through Rule 3.7.1. It therefore rejected the primary relief sought by NZAS.

The Committee also rejected the request of NZAS to exempt the Smelter Zone from the hazardous substances provisions of the Proposed Plan. It was the Committee's view that the District Plan provisions should apply to all zones, and that an assessment should be undertaken in the event that permitted levels of hazardous substances to be stored and used on the site are exceeded. It accepted however that the levels permitted should reflect what is currently authorised at the site and for that reason separate levels should be set for the Smelter Zone. In the event that NZAS sought to increase those levels, the Committee would wish for the Council to be aware of the changes and assess the extent to which these could give rise to adverse effects off-site. It therefore opted for the third relief suggested by NZAS of including an additional column in Appendix VII providing specifically for the Smelter Zone. At the request of the Committee, NZAS provided details of the volumes of hazardous substances stored in the Smelter Zone and Appendix VII has been amended to include those volumes.

SECTION 32 MATTERS

Requirements

The Committee was advised by Mrs Shirley that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding with to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
 - Identifying the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
 - Identifying other reasonably practicable options for achieving the objectives; and
 - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and or explanatory text of provisions.

Assessment

Mrs Shirley in her Section 42A Report advised the Committee as follows:

The majority of the changes are considered to be minor in nature and within the scope of the original evaluation findings. The changes, as set out in Appendix 2, will help clarify the issue of hazardous substances and the intent of the provisions. The only change considered relevant for assessment under Section 32AA is the new policy on collaboration. This is discussed below.

It is recommended that a new policy is included in the hazardous substances Issues, Objectives and Policies Section of the Plan on collaboration. Working collaboratively with central government, Environment Southland and land owners will help ensure hazardous substances are managed appropriately, risks are minimised, and unnecessary duplication of legislative controls are avoided. This will have a positive economic, environmental and social effect.

For those decisions that reflect the recommendations made by Mrs Shirley in her Section 42A Report, the Committee agrees with that approach and adopts it.

This decision also makes some changes to Mrs Shirley's recommendations. These amendments are as follows:

- Policy 4 – Amending the policy, removing the requirement to prevent the risk of adverse effects.
- Policy 7 – Including reference to stakeholders
- Appendix VII – Adding a new Group 8 for the Smelter Zone
- Appendix VII – Adding a note in respect of 2.1.1A hazard gases

These changes differ to Mrs Shirley's recommendations and therefore require further assessment under Section 32.

The amendments are considered to be of a minor scale and significance, and therefore it is not necessary or practical to quantify in detail the economic, social, cultural, environmental and employment effects of these changes.

Policy 4

Policy 4 now places more of a focus on minimising the risks associated with the transportation of hazardous substances on people, the community and the wider environment. This differs from the policy as notified which included encouraging transportation of hazardous substances by modes and along transport routes which prevent the risk of adverse effects.

This change acknowledges that it is not feasible to fully prevent risk associated with the transportation of hazardous substances and that the focus should be on minimising risks instead. This will be done by promoting transportation of hazardous substances to be undertaken in a safe manner and by modes and transport routes which avoid more sensitive environments. This is seen as a practical means to achieve the Hazardous Substances Objectives of the Plan without applying unreasonable restrictions on the transportation of hazardous substances.

Policy 7

Mrs Shirley's Section 42A Report recommended including a new Policy on collaboration. The Committee has accepted this recommendation but has incorporated stakeholders into the Policy. This will encourage discussion and active participation between the Council and stakeholders, which will improve the quality of decisions. This will have a positive environmental and social effect on the community by helping to ensure hazardous substances are managed appropriately and that risks are minimised. It will also assist in avoiding unnecessary duplication of controls, which will help to avoid frustration and additional costs associated with meeting multiple legislative requirements.

Appendix VII

The inclusion of a separate column in Appendix VII, providing specifically for the Smelter Zone, better reflects the storage of hazardous substances currently authorised on the site. This will enable for the continued operation of the Aluminium Smelter, but will also allow for adverse effects to be considered in the event that those levels are increased. This approach provides balance between providing for the need to use and store hazardous substance within the Smelter Zone and the need to protect the wider environment from adverse effects. As such, it is considered that the the economic, social, cultural, environmental and employment effects of this change will positively benefit the NZAS and the wider community.

The inclusion of Note 11 will enable greater storage of LPG at service stations. This will allow for LPG "swap and go" services to operate from these sites. This is considered an appropriate aspect of these activities and the change will enable service stations to meet the needs of their customers without the unnecessary requirement for resource consent. The risks to the environment associated with the increase in LPG are considered minor given the nature of the activity, and are outweighed by the social and economic benefits associated with this change.

The amendments made by this decision are considered the most appropriate way to achieve the Objectives of the Plan.

Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
General	
<p>88.64 Federated Farmers 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 to that end the submitter supports a permitted framework that aligns the rules with meeting HSNO standards and thresholds.</p> <p><u>Decision Sought:</u> That Council adopts the issues, policies and methods in this area and ensures:</p> <ul style="list-style-type: none"> • That Council focuses on improving education, information-sharing and good practice guidelines in this area; • That Council continues 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, any plan requirement should align with those in a permitted activity framework, particularly in less-sensitive zones such as the rural zone. <p>FS34.3 ICC Environmental Health and Compliance Services opposes Submission 88.64 and considers that the submission views aspects of the Plan as duplication of controls and that the plan sets strict controls on certain substances by stating that the HSNO Act has adequate control for the potential effects of Hazardous Substance management. The further submitter states:</p> <ul style="list-style-type: none"> • That the RMA can set stricter controls for Hazardous Substances (but not less) if required and be more location specific. • It's seen that ICC and Regional Councils' functions of Hazardous Substances control relate to the RMA and are similar in nature. • It could be said that the RMA is concerned with controlling the impact of release of substances to environment in <i>their region, in particular locations</i>. The HSNO Act is concerned with control irrespective of location and for their life cycle. • Hazardous Substances Rules in this Plan set controls specific to <i>our area and requirements</i>. 	<p>Decision 25/1 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. As set out on pages 4 and 5 of this Decision, the District Plan provisions are not duplicating the intent of provisions of the HSNO Act. 2. A range of methods, including rules, education and advocacy are appropriate to achieve the outcomes sought by the objectives referring to hazardous substances. 3. It is accepted that there are potential costs for owners who may need consent under the rules, however, these costs are outweighed by the benefits of properly managing hazardous substances and reducing the potentially high costs of hazardous substance accidents. In any case, as established at the hearing, Federated Farmers had not appreciated that the temporary storage of fertiliser prior to use on rural land was provided for as a permitted activity under Rule 3.7.1(C).

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>105.2 ICC Environmental Health and Compliance Services 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.</p> <p><u>Decision Sought:</u> The submitter recommends:</p> <p>(a) The provision of detailed rules for hazardous substances.</p> <p>(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.</p> <p>(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.</p> <p>FS4.21 Federated Farmers oppose in part Submission 105.2 and considers that the Council should focus on improving education, information-sharing and good practice guidelines in this area, rather than developing rules. The further submitter considers that activities that meet the HSNO regulations should be a permitted activity. Whilst the further submitter supports consideration of these factors in instances where there is a change to a more sensitive land use, to add additional or contradictory rules to those under the HSNO framework adds unnecessary contradiction, cost and confusion.</p> <p>FS7.13 SouthPort New Zealand Ltd opposes Submission 105.2 and considers that the HSNO requirements adequately manage hazardous substances and that a second tier of control in the District Plan would create unnecessary duplication. The further submitter considers that the inclusion of additional rules of the nature set out in the submission should have occurred at the outset rather than via the submission process.</p>	<p>Decision 25/2 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. The rules on hazardous substances provided in Section 3.7 of the Plan are sufficiently detailed as notified. 2. Storage of petroleum in underground fuel storage tanks is adequately controlled by HSNO and therefore it is not considered necessary to include additional controls in the District Plan. 3. The removal of underground petroleum storage systems and associated impacted soil is controlled under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Section 3.3 of the District Plan alerts the Plan users to the potential application of the NES for activities involving the removal or replacement of underground fuel tanks. No further rules are necessary. 4. Matters which will be among those taken into account by the Council when considering an application for resource consent are listed in Section 3.7.3. These are considered sufficient. 5. Matters raised by the further submitters on what should be considered as a permitted activity go beyond the content of the original submission and cannot be considered here. The same issue has however been raised by the further submitters in their own submissions.
SECTION 2.7 HAZARDOUS SUBSTANCES - ISSUES, OBJECTIVES, AND POLICIES	
General	
<p>77.18 Te Runaka o Waihopai and Te Runaka o Awarua Support this section. Retain.</p>	<p>Decision 25/3 This submission is noted.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
	<p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the plan provisions and seeks no change to them.</p>
Introduction	
<p>18.41 Environment Southland 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. 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><u>Decision Sought: Amend Section 2.7 of the District Plan by inserting the following wording [or similar], as well as any consequential amendments:</u></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> <p>FS7.14 South Port New Zealand Ltd opposes Submission 18.41 in part with support for the suggested inclusion in part, but stating that the introduction needs to adequately recognise the regulatory role of the EPA and HSNO in managing hazardous substances.</p> <p>24.20 South Port NZ Ltd and 90.5 HW Richardson Group Ltd The submitters consider 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,</p>	<p>Decision 25/4</p> <p>(i) Accept in part Submission 71.14 NZAS Ltd.</p> <p>(ii) Accept in part Submissions 18.41 Environment Southland, 24.20 South Port NZ Ltd and 90.5 HW Richardson Group Ltd.</p> <p>Amendments to District Plan Amend the Introduction after the second paragraph as follows:</p> <p><u>If not managed effectively, the manufacture, storage, use, disposal and transportation of hazardous substances may pose significant threats to the environment and the health and well-being of the community. This can be caused by the accidental, unintentional or uncontrolled release of hazardous substances resulting in contamination of water, soil and air, or risk of fire and explosive events. Indirect effects also need to be managed to avoid the accumulation of substances or sediment within sensitive environments.</u></p> <p><u>To manage these risks, facilities and/or sites involved in such activities are subject to controls under a variety of legislation. The Hazardous Substances and New Organisms Act 1996 (HSNO) is the main legislation that controls the lifecycle of hazardous substances.</u></p> <p><u>The Hazardous Substances and New Organisms Act 1996 (HSNO), HSNO and the RMA complement each other. The HSNO Act provides the framework for developing technical standards for the use, storage, transportation, inspection, identification and regulation of hazardous substances. The RMA outlines responsibilities councils have to control the effects of the use or development of land, and to prevent or mitigate any adverse effects that may result from the use, storage, disposal or transportation of hazardous substances. The RMA is focused on site-specific controls on the use of land and on managing the risks to the local environment. It requires councils to take an effects-based approach to managing hazardous facilities.</u></p> <p><u>The Invercargill City Council and Environment Southland also share functions under</u></p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>transport, use and disposal of hazardous substances. The submitters consider 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. 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> <p><u>Decision Sought:</u> Amend the introduction to ensure that unnecessary duplication between the roles of agencies managing hazardous substances is avoided.</p> <p>FS2.24 NZAS Ltd supports Submissions 24.20 and 90.5 stating that it would be helpful to identify the EPA's role. The further submitter also agrees that it would be helpful for the Council's RMA role and the EPA's HSNO role to be explained to clarify the hazardous substances matters the Proposed Plan regulates.</p> <p>FS4.22 Federated Farmers supports Submission 90.5 and considers that it is important to avoid the duplication of effort and create regulatory complexities in the way hazardous substances are managed. Council needs to be mindful about the other organisations and regulatory frameworks already in existence, and only develop policy where none would otherwise exist.</p> <p>71.14 NZAS Ltd 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:</p> <p>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.</p>	<p><u>the RMA for the control of the use of land with the purpose of preventing or mitigating any adverse effects of the storage, use, transportation or disposal of hazardous substances. 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. The Council is responsible for managing the effects of hazardous substances on all other land.</u></p> <p><u>The transportation of hazardous substances is controlled through the HSNO Act 1996 and the Land Transport Act 1998. It is beyond the scope of the RMA for the Council to direct the use of particular routes for transporting hazardous substances, however the Council is able to have input into processes and approvals under these Acts. The Council can also use education, promotion and advocacy as a means to influence the routes over which hazardous substances are transported.</u></p> <p>If not managed effectively, the manufacture, storage, use, disposal and transportation of hazardous substances pose significant threats to the environment and the health and well-being of the community. This can be caused by the accidental, unintentional or uncontrolled release of hazardous substances resulting in contamination of water, soil and air, or risk of fire and explosive events. Indirect effects also need to be managed to avoid the accumulation of substances or sediment within sensitive environments.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Local Authorities share functions under the RMA for the control of the use of land with the purpose of preventing or mitigating adverse effects of the storage, use, disposal or transportation of hazardous substances. Section 62 of the RMA requires a Regional Policy Statement to state the Local Authority responsible for specifying the objectives, policies and methods to control the adverse effects from activities involving hazardous substances. 2. The introduction should acknowledge the shared functions of Environment Southland and the Council under the RMA. 3. The Council has a role in the management of hazardous substances and the introduction can be expanded to further recognise the shared functions between the Council, Environment Southland and central government. However, it is not considered appropriate to specifically refer to the

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
	Environmental Protection Agency.
2.7.1 Issues	
<p>71.15 NZAS Ltd The submitter supports Issue 1 in part. The submitter seeks a minor amendment so that the Issue fits with the introductory statement as follows: <u>If not managed appropriately</u> the manufacture, storage, use, disposal and transportation of hazardous substances...</p> <p>FS4.23 Federated Farmers supports Submission 71.15 and considers the relief sought in submission 71.15 to be consistent with the introductory statement which states: If not managed effectively, the manufacture, storage, use, disposal and transportation ...</p>	<p>Decision 25/5 This submission is accepted in part.</p> <p>Amendments to District Plan Amend Issue 1 as follows: <u>If not managed effectively</u> the manufacture, storage, use, disposal and transportation <u>and disposal</u> of hazardous substances ...</p> <p>Reason A change in wording is appropriate, and that suggested by Federated Farmers is consistent with the wording used in the Introduction.</p>
2.7.2 Objectives	
<p>13.1 Z Energy Ltd The submitter supports Objective 1. Retain without modification.</p>	<p>Decision 25/6 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the plan provisions and seeks no change.</p>
2.7.3 Policies	
<p>13.2 Z Energy Ltd The submitter supports Policy 1 and 2. Retain without modification.</p> <p>15.1 Ballance Agri-Nutrients Ltd The submitter supports Policy 1. Retain Policy 1 as proposed.</p>	<p>Decision 25/7 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the plan provisions and seek no change.</p>
<p>65.16 and 65.17 ICC Environmental and Planning Services The submitter supports Policies 1 and 2 in part but notes that while the policies do not refer to the transportation of hazardous substances the explanation does. Amend the policies to read:</p>	<p>Decision 25/8 These submissions are accepted in part.</p> <p>Amendments to District Plan Amend the explanation to Policies 1 and 2 to delete the word</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>Policy 1 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.</p> <p>Policy 2 Ensure that hazardous substances are manufactured, stored, used, <u>transported</u> and disposed of in a manner that avoids adverse effects on public health.</p> <p>FS7.15 South Port New Zealand Ltd and FS11.4 HW Richardson Group Ltd oppose Submissions 65.16 and 65.17 and the inclusion of the term “transported” as it is inappropriate to regulate the transportation of hazardous substances through the control of land use consents. The further submitters consider that HSNO more adequately provides for this and that there is no need to duplicate the management functions.</p>	<p>“transportation”.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The HSNO Act 1996 and Land Transport Act 1998 adequately control the transportation of hazardous substances and this is referred to in Policy 4 as amended by Decision 25/11. 2. The transportation of hazardous substances is of concern to the wider community and it is appropriate, and consistent with the purpose of the RMA for the Council to use non-regulatory methods and involvement in other Acts to minimise risks associated with such transportation.
<p>15.2 Ballance Agri-Nutrients Ltd The submitter supports Policy 3. Retain Policy 3 as notified.</p>	<p>Decision 25/9 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the plan provision and seeks no change to it. However, it should be noted that Decision 25/10 makes minor amendments to the policy to clarify its intent.</p>
<p>13.3 Z Energy Ltd Policy 3 Accidents - Once there is an accidental release of hazardous substances, the focus 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:</p> <p>To establish facilities, systems and procedures which will <u>minimise the risk</u> ensure avoidance, remediation, or mitigation of pollution 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 not <u>manage the potential for adversely affect effects on</u> the environment. The Council will ...”</p> <p>FS2.25 NZAS Ltd support in part Submission 13.3, agreeing that in the event of a spill, risks should be appropriately managed. However, also consider that there is an</p>	<p>Decision 25/10</p> <ol style="list-style-type: none"> (i) Accept Submission 13.3 Z Energy Ltd (ii) Accept in part Submission 65.18 ICC Environmental and Planning Services <p>Amendments to District Plan Amend Policy 3 as follows:</p> <p>To <u>require the establishment of</u> facilities, systems and procedures which will ensure avoidance, remediation, or mitigation <u>minimise the risk of</u> pollution 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 result in accidental discharges of the substances. It is important that systems are in place should this occur and that facilities are available to store or dispose of the hazardous substances in such a manner that will not <u>manage</u></p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>obligation under the RMA to "avoid, remedy or mitigate" adverse effects of a spill. Amend Policy 3 to recognise the importance of managing risk and also that adverse effects must be avoided, remedied or mitigated.</p> <p>65.18 ICC Environmental and Planning Services The submitter supports Policy 3 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</u> To establish facilities, systems and procedures which will ...</p> <p>FS2.26 NZAS Ltd support Submission 65.18. Given the dual responsibilities for managing hazardous substances, it is appropriate the policy acknowledges that there will be collaboration with other organisations in establishing facilities, systems and procedures for addressing accidents. The further submitter also recommends that the explanation sets out who the Council will collaborate with, in particular the EPA and the organisations that use, store and dispose of hazardous substances. Amend Policy 3 as sought and set out in the Explanation who the Council will collaborate with.</p>	<p><u>the potential for adversely affect effects on</u> the environment. The Council will <u>also</u> need to collaborate with other Local Authorities and industries and public organisations to develop and implement systems and procedures in the event of accidents involving hazardous substances.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. It is accepted that in the event of an accident the focus should be on minimising the risks of pollution rather than on the avoidance, remediation, or mitigation of pollution. 2. The explanation to the Policy and Method 5 emphasises collaboration with other Local Authorities, industries, and public organisations to develop and implement systems and procedures in the event of accidents involving hazardous substances. It is not appropriate to individually name the specific organisations that the Council will collaborate with.
<p>13.4 Z Energy Ltd The submitter opposes Policy 4 stating 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. It is wrong to suggest that promoting movement of hazardous substances along main transport routes will protect the environment.</p> <p><u>Decision Sought:</u> Delete Policy 4 Transportation</p> <p>FS9.3 Ballance Agri-Nutrients Ltd supports in part Submission 13.4 noting that there are relevant Fertiliser Group Standards that it operates in accordance with. The further submitter is concerned that the Proposed Plan seeks to provide for duplication in the control and management of transportation of hazardous substances, which is otherwise managed under the Fertiliser Group Standards.</p> <p>The further submitter does not support the complete deletion of the Policy, but should</p>	<p>Decision 25/11 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Amend Policy 4 to read:</p> <p style="padding-left: 20px;">To encourage promote transportation of hazardous substances including wastes to be undertaken by modes and <u>along</u> transport routes which prevent or minimise the risk of adverse effects on <u>people, the community and the wider environment, natural and physical resources, and on other transport users, and which prevent the risk of adverse effects on human health.</u></p> <p style="padding-left: 20px;">Explanation: <u>The Council through resource management processes cannot direct the modes or routes used for the transportation of hazardous substances. However, this can be influenced by the location of zones within which activities producing, storing and using hazardous substances are provided for, and by controls available through other legislation, for example, the Land Transport Act 1998. Co-locating industrial zones with access to heavy traffic routes and key transportation networks will encourage the transportation of hazardous substances on routes that do not pass through</u></p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>be amended to acknowledge that the transportation of hazardous substances be undertaken with industry best practice and relevant HSNO provisions.</p> <p>Amend Policy 4 to make it clear that the transportation of hazardous substances be undertaken with industry best practice and relevant HSNO provisions.</p>	<p>more sensitive urban environments.</p> <p>(ii) Amend Policy 5 to read:</p> <p>To recognise the provisions of other legislation, such as the Hazardous Substances and New Organisms Act 1996, which manages the adverse effects of manufacture, storage, use, <u>transportation</u> and disposal of hazardous substances.</p> <p>Explanation: <u>Aspects of the manufacture, storage, use, transportation and disposal of hazardous substances are subject to management or control through various Acts, for example the Hazardous Substances and New Organisms Act 1996 and the Land Transport Act 1998, each for a different purpose. There needs to be District Plan provides congruity between these and sets out the matters to which it is required to have regard under the Resource Management Act 1991. legislation passed at Central Government level, and regional and district plans.</u></p> <p>(iii) Amend Method 6 as follows:</p> <p>Develop and disseminate information on good practice in storing, handling, <u>transporting</u> and using hazardous substances.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. While the Council has a function under the RMA to control any actual or potential effects of the use, development or protection of land, including for the purpose of preventing or mitigating any adverse effects of the transportation of hazardous substances, the extent to which it can regulate that activity is limited. 2. Encouraging transportation of hazardous substances to be undertaken in a safe manner by modes and transport routes which avoid more sensitive environments helps to minimise risk. It is not feasible however to totally prevent risk, thereby requiring a rewording of the policy. 3. As a corollary to amending Policy 4, for consistency changes are also required to Policy 5 and Method 6.

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>13.5 Z Energy Ltd The submitter supports Policies 5 and 6, commenting that they are appropriately risk based. Retain without modification.</p> <p>15.3 Ballance Agri-Nutrients Ltd The submitter supports Policy 5 particularly in terms of the scope it provides for the reduction in the duplication of process/management of effects between the Act and the HSNO Act (including Fertiliser Industry Standards). Retain Policy 5 as notified.</p>	<p>Decision 25/12 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. The submitters support the provisions and seek no change to them. 2. As a result of decision 25/11 a minor amendment is made to Policy 5 but does not alter its intent.
<p>24.21 South Port NZ Ltd and 90.6 H W Richardson Group Ltd The submitter supports Policy 5 in part. They consider 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></p> <p>FS4.24 Federated Farmers supports Submission 24.21, considering that it is inefficient and confusing to have two regulatory bodies making policies and rules in the same area.</p> <p>FS2.27 NZAS Ltd supports Submissions 24.21 and 90.6 as it opposes the duplication of the HSNO requirements. Amend Policy 5 as sought by submissions 24.21 and 90.6.</p>	<p>Decision 25/13 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason As discussed in on pages 4 and 5 of this Decision, the District Plan considers matters from a different perspective to the HSNO Act. The District Plan rules apply to those activities that require management to avoid adverse effects on people and communities, and on the wider environment, thereby dovetailing with other relevant legislation.</p>
<p>52.1 NZ Police The submitter supports Policy 5 noting that the hazardous substances rules are more restrictive on above ground storage of fuel than is supported by this policy. Retain Policy 5.</p> <p>102.1 Chorus NZ Ltd and 104.1 Telecom NZ Ltd The submitter supports Policy 5 but 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.</p> <p><u>Decision Sought:</u> Retain Policy 5, but modify rules to reflect this policy in the rules section.</p>	<p>Decision 25/14 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitters support the policy, and that is noted. Attention is drawn to Decision 25/11 which amends the policy and its explanation to clarify the relationship between the District Plan and various Acts that also manage or control the manufacture, storage, use, transportation and disposal of hazardous substances.

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
	2. No threshold is provided for the underground storage of fuel because the provisions of the HSNO Act 1996 consider all relevant matters of potential concern to the Council, and this approach avoids an unnecessary duplication of procedures.
New Policy	
<p>18.42 Environment Southland 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.</p> <p>Amend 2.7 by inserting a new policy as follows [or similar], as well as any consequential amendments:</p> <p><u>Policy xx Collaboration: To develop and maintain an integrated and collaborative approach amongst Central Government, regional and territorial authorities, and landowners to the management of hazardous substances.</u></p> <p>FS2.28 NZAS Ltd supports in part submission 18.42 opposing the duplication of the HSNO Act scheme but supporting collaboration between stakeholders in the management of hazardous substances. NZAS considers that this collaboration should mean that the risks associated with hazardous substances are controlled by the appropriate agency.</p> <p>Amend the Proposed Plan to include the new policy as sought by submission 18.42, but also to add the following sentence to the end of the new policy:</p> <p><u>In part, the purpose of this collaboration will be to avoid the unnecessary duplication of the regulatory control of hazardous substances.</u></p> <p>FS4.25 Federated Farmers supports Submission 18.42 because collaboration will reduce the possibility of duplication of effort in policy development and rule setting, and ensure resource users have certainty regarding their responsibilities.</p>	<p>Decision 25/15 This submission is accepted</p> <p>Amendments to District Plan Include a new policy as follows:</p> <p><u>Policy 7 Collaboration: To develop and maintain an integrated and collaborative approach amongst Central Government, Regional and Territorial Authorities, stakeholders and landowners to the management of hazardous substances.</u></p> <p><u>Explanation: Working collaboratively with Central Government, Environment Southland, stakeholders and landowners will assist in managing hazardous substances appropriately, minimise risks, and avoid unnecessary duplication of controls.</u></p> <p>Reason Working collaboratively with central government, Environment Southland and landowners will help ensure hazardous substances are managed appropriately and that risks are minimised. This will also assist in avoiding unnecessary duplication of controls.</p>
2.7.4 Methods of Implementation	
<p>71.16 NZAS Ltd The submitter opposes Method 1 considering that the regime of the HSNO Act 1996 and its regulations appropriately regulate hazardous substances. Delete Method 1.</p>	<p>Decision 25/16 This submission is rejected.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>FS24.18 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd support in part submission 71.16 as it is consistent with recent MfE guidance that supports a move away from the duplication of HSNO provisions in district plans. The further submitters are concerned that:</p> <ul style="list-style-type: none"> the proposed amendments to the rule and zoning result in inconsistencies with how their oil terminal facilities are dealt with. with the Business 2 zoning of the area adjacent to its terminal which will increase the risk profile for the terminal from permitted sensitive activities and that any sensitive activities recognise and take into account the fact that the terminal exists and remains functionally part of the Port. <p>FS25.6 Transpower NZ Ltd opposes Submission 71.15 as the HSNO Act does not set out specific requirements as per the Proposed Plan and it is not clear what activity status would apply if the rule was not met. The further submitter notes that the Council has responsibilities under the RMA with regards to hazardous substances, in particular the consideration of effects on the environment.</p>	<p>Amendments to District Plan None required.</p> <p>Reason As set out on pages 4 and 5 of this Decision, the District Plan provisions are not duplicating the intent of provisions of the HSNO Act.</p>
<p>117.7 Southern District Health Board The submitter supports Method 6, which refers to the development and dissemination of information on good practice in storing, handling and using hazardous substances in response to public enquiries and to connect applications.</p>	<p>Decision 25/17 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> <ol style="list-style-type: none"> The submitter supports Method 6 and seeks no change. As a result of decision 25/11 a minor change is made to Method 6 but does not alter its intent.
ZONE SPECIFIC POLICIES	
2.19 Airport Operations Zone	
<p>103.30 Invercargill Airport Ltd The submitter supports Policy 6 Hazardous Substances. The submitter considers that it is appropriate to recognise that aviation activities require the storage and use of large quantities of hazardous substances. Retain Policy 6.</p>	<p>Decision 25/18 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports Policy 6 and seeks no change.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
2.20 Airport Protection Zone	
<p>103.53 Invercargill Airport Ltd The submitter opposes in part Policy 14 Hazardous Substances as it is not clear how this policy will be enforced, particularly given that the storage of hazardous substances is largely governed by other legislation such as the HSNO Act. Delete Policy 14.</p>	<p>Decision 25/19 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.20.3 Policy 14 as follows:</p> <p>To protect the public from the effects of storage and use of excessive amounts of hazardous substances. <u>To provide for the storage and use of moderate amounts of hazardous substances, whilst protecting the public from the effects of the storage and use of excessive amounts of hazardous substances.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. This policy is enforced through the controls provided in Appendix VII of the District Plan and the limits allowed set the level at which the Council feels assessment is required in order to ensure public safety and environmental protection. 2. Amendment to the policy is appropriate to provide consistency with those applying to other Group 4 zones, being the Rural 1 and 2 Zones within which the rules are the same. 3. At the hearing, the submitter advised acceptance of the amendment to Policy 14 as set out above.
2.31 Industrial 2 Zone and 2.32 Industrial 3 Zone	
<p>15.10 Ballance Agri-Nutrients Ltd The submitter supports Industrial 2 Zone Policy 8 Hazardous Substances in terms of providing for the manufacture, storage and use of hazardous substances within the Industrial 2 Zone, whilst recognising the need to manage effects on the general public. However, the submitter notes that Policy 8 essentially repeats the policy direction set by Hazardous Substances Policy 2 – Public Health and does not appear to relate to any of the objectives for the Industrial 2 Zone.</p> <p><u>Decision Sought:</u> That Policy 8 – Hazardous Substances, be adopted as notified.</p> <p>15.16 Ballance Agri-Nutrients Ltd The submitter supports Industrial 3 Zone Policy 9 Hazardous Substances. However, the submitter notes that Policy 9 essentially repeats the policy direction set by Hazardous Substances Policy 2 – Public Health and does not appear to relate to any</p>	<p>Decision 25/20 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitters support the policies and seek no change to them. 2. The direction set by Hazardous Substances Policy 2 is to ensure hazardous substances are manufactured, stored, used and disposed of in a manner that avoids adverse effects. This applies in a general sense to all zones. The Industrial Zone policies then set the direction as to what is appropriate in terms

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>of the objectives for the Industrial 3 Zone.</p> <p><u>Decision Sought:</u> Retain Policy 9 – Hazardous Substances as proposed.</p>	<p>of manufacture, storage and use of hazardous substances specific to those zones.</p>
2.40 Rural 1 Zone and 2.41 Rural 2 Zone	
<p>88.49 Federated Farmers Supports Policy 18 Hazardous Substances. Adopt the Policy as proposed.</p> <p>88.54 Federated Farmers Supports Policy 17 Hazardous Substances. Adopt the Policy as proposed.</p>	<p>Decision 25/21 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the policies and seeks no change to them.</p>
<p>15.23 and 15.24 Ballance Agri-Nutrients Ltd Supports in part Rural 1 Policy 18 and Rural 2 Policy 17, but they should provide clear direction that, where the adverse effects associated with the nature and volume of hazardous substances (such as fertiliser) are well-known and can be appropriately managed through alternative legislation, such as HSNO and associated Industry best practice (such as the Fertiliser Group Standards), such activities should be provided for within the Rural 1 Zone.</p> <p>The submitter further considers that fertiliser storage and use within the Rural 1 and 2 Zones should be provided for as a permitted activity where their use and storage is conducted in accordance with the Fertiliser Group Standards and adopted industry best practice.</p> <p><u>Decision Sought:</u></p> <p>i. Amend Rural 1 Zone - Policy 18 Hazardous Substances as follows:</p> <p style="padding-left: 20px;"><u>To provide for the use and storage of hazardous substances that are integral to the operation of activities within the Rural 1 Zone, where these are managed in accordance with the requirements under the Hazardous Substances and New Organisms Act 1996 (including the HSNO Fertiliser Group Standards) and are undertaken in accordance with industry best practice. provide for the opportunity to store and use moderate amounts of hazardous substances.</u></p> <p>ii. Amend Rural 2 Zone Policy 17 – Hazardous Substances as follows:</p> <p style="padding-left: 20px;">To provide for the use and storage of hazardous substances that are integral to the operation of activities within the Rural 2 Zone, where these are managed in accordance with the requirements under the Hazardous Substances and New Organisms Act 1996 (including the HSNO Fertiliser Group Standards) and are undertaken in accordance with industry best practice provide for the</p>	<p>Decision 25/22 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. As noted on pages 4 and 5 of this Decision sole reliance on the HSNO Act 1996 provisions does not meet the purpose of the RMA, or give effect to the requirements of section 31(1)(b)(ii) of the RMA. 2. The wording is not appropriate at a policy level. The detail as to what is considered to be “moderate” is set out in the Rules Section of the Plan (Rule 3.7) and Appendix VII, which sets out the permitted thresholds. 3. If the concern relates to the storage of fertiliser on farmland prior to spreading over the land, then this has been provided for as a permitted activity.

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION						
<p>opportunity to store and use moderate amounts of hazardous substances.</p> <p>iii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p>							
RULE 3.7 HAZARDOUS SUBSTANCES							
<p>87.45 Transpower NZ Ltd Support Rules 3.7.1 and 3.7.2. Retain Rules 3.7.1 and 3.7.2 as notified.</p>	<p>Decision 25/23 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. The submitter supports the rules and does not seek any change to them. 2. As a result of decision 25/25 minor changes have been made to Rule 3.7.1 to correct an error. 						
<p>71.51 NZAS Ltd Oppose Rule 3.7.1. The regulation of hazardous substances is best left to the HSNO Act and its associated regulations. 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.</p> <p>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:</p> <p>If an activity complies with the requirements below, it is a permitted activity:</p> <ol style="list-style-type: none"> (a) The activity complies with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO), and its associated regulations; and (b) A valid Hazardous Substance Location Certificate as required by HSNO is held; and (c) 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 (d) Copies of all Hazardous Substance Location Certificates are provided to the Council. <p>FS24.18 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd support in part submission 71.51 as the submission is consistent with recent MfE guidance that supports a move</p>	<p>Decision 25/24 This submission is accepted in part.</p> <p>Amendments to District Plan In Appendix VII Hazardous Substances:</p> <ol style="list-style-type: none"> (i) For Classification 6.7A&B Carcinogens, the value for Groups 3 and 5 read 2,000 kg not 200kg. (ii) Add a further Note as follows: <table style="margin-left: 20px; border-collapse: collapse;"> <tr> <td colspan="2"><u>11. Notwithstanding the volumes set for LPG (inc. propane-based refrigerant) in cylinders in Class 2.1.1A High hazard gases the following quantity of LPG stored in cylinders up to a maximum size of 45 kg is permitted at duly authorised services stations selling fuel and associated products:</u></td> </tr> <tr> <td style="border-bottom: 1px solid black;"><u>Seaport 1 and Smelter Zones</u></td> <td style="border-bottom: 1px solid black; text-align: right;">No limit</td> </tr> <tr> <td style="border-bottom: 1px solid black;"><u>All other Zones</u></td> <td style="border-bottom: 1px solid black; text-align: right;">450 kg</td> </tr> </table> (ii) Include a separate column in Appendix VII listing permitted levels of hazardous substances for the Smelter Zone, as set out in Appendix 2. 	<u>11. Notwithstanding the volumes set for LPG (inc. propane-based refrigerant) in cylinders in Class 2.1.1A High hazard gases the following quantity of LPG stored in cylinders up to a maximum size of 45 kg is permitted at duly authorised services stations selling fuel and associated products:</u>		<u>Seaport 1 and Smelter Zones</u>	No limit	<u>All other Zones</u>	450 kg
<u>11. Notwithstanding the volumes set for LPG (inc. propane-based refrigerant) in cylinders in Class 2.1.1A High hazard gases the following quantity of LPG stored in cylinders up to a maximum size of 45 kg is permitted at duly authorised services stations selling fuel and associated products:</u>							
<u>Seaport 1 and Smelter Zones</u>	No limit						
<u>All other Zones</u>	450 kg						

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>away from the duplication of HSNO provisions in district plans. However, the further submitter is concerned that the proposed amendments to the rule and zoning result in inconsistencies with how their oil terminal facilities are dealt with. The further submitter is concerned with the Business 2 zoning of the area adjacent to its terminal which will increase the risk profile for the terminal from permitted sensitive activities, and that any sensitive activities recognise and take into account the fact that the terminal exists and remains functionally part of the Port.</p> <p>FS11.5 HW Richardson Group Ltd support in part Submission 71.51 as it seeks to avoid duplication between the roles of agencies managing hazardous substances.</p> <p>FS34.2 ICC Environmental Health and Compliance Services opposes Submission 71.51 considering that the submission views aspects of the Plan as duplication of controls and that the plan sets strict controls on certain substances by stating that the HSNO Act has adequate control for the potential effects of Hazardous Substance management. The further submitter states:</p> <ul style="list-style-type: none"> • That the RMA can set stricter controls for Hazardous Substances (but not less) if required and be more location specific. • It is seen that the ICC and Regional Council's functions of Hazardous Substances control relate to the RMA and are similar in nature. • It could be said that the RMA is concerned with controlling the impact of release of substances to environment in <i>their region, in particular locations</i>. The HSNO Act is concerned with control irrespective of location and for their life cycle. • Hazardous Substances Rules in this Plan set controls specific to <i>our area and requirements</i>. 	<p>Reasons</p> <ol style="list-style-type: none"> 1. As discussed on pages 4 and 5 of this Decision, the District Plan cannot override HSNO but can impose more stringent controls where it is necessary to address a resource management concern, or impose no controls where it is considered that the matter is already adequately addressed by HSNO. 2. Mostly the quantity triggers set out in Appendix VII of the Plan are in excess of HSNO, sometimes the same as, and in one or two instances no threshold has been provided (e.g. for below ground petroleum storage where the Council's concerns are adequately addressed through the HSNO controls). Appendix VII does contain an error corrected by (i) above. 3. Arising from the submission of the Oil Companies it is appropriate to enable greater storage of LPG at service stations, as part of "swap and go" services. 4. The Seaport Zone has a specific function of importing and exporting goods to and from Southland and therefore needs be able to store large quantities of hazardous substances for this purpose. Rule 3.7.1(F) has been specifically included to provide for this activity. 5. The quantities provided in Appendix VII for the Smelter Zone do not reflect what is authorised on the site and as set out on page 5 it is appropriate to provide an additional provision for that Zone.
<p>88.79 Federated Farmers</p> <p>Support in part Rule 3.7.1. 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 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.</p> <p>Adopt the permitted activities rule with the minor amendments proposed below:</p>	<p>Decision 25/25</p> <p>These submissions are accepted.</p> <p>Amendments to District Plan</p> <p>Amend Rule 3.7.1 as follows:</p> <ol style="list-style-type: none"> (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>. (C) The storage and use of fertiliser within the Group 4: Rural 1, Rural 2, and Airport Protection Zones <u>and Group 6: Seaport 1 Zone</u> in accordance with the: <ol style="list-style-type: none"> (a) Fertiliser (Corrosive) Group Standard HSR002569.

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>(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 January 2012 EPA 0135.</p> <p>(C) The storage and use of fertiliser within the Group 4: Rural 1, Rural 2 and Airport Protection Zones in accordance with the:</p> <ol style="list-style-type: none"> 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</u> and e. FertResearch's Code of Practice for Nutrient Management 2007. <p>65.91 ICC Environmental and Planning Services Support in part Rule 3.7.1(B) but notes that there is a more up-to-date version of the EPA's 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."</p> <p>15.26 Ballance Agri-Nutrients Ltd Support Rule 3.7.1(C) in part and 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 standard have been advanced as permitted activities within several other District Plans.</p> <p><u>Decision Sought:</u></p> <p>i. That Hazardous Substances Rule 3.7.1(C) be amended and adopted as follows:</p> <p>The storage and use of fertiliser within the Group 4: Rural 1, Rural 2 and Airport Protection Zones in accordance with the:</p> <ol style="list-style-type: none"> (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</u>; and (e) FertResearch's Code of Practice for Nutrient Management 2007. 	<ol style="list-style-type: none"> (b) Fertiliser (Oxidising) Group Standard HSR002570. (c) Fertiliser (Subsidiary Hazard) Group Standard HSR002571. (d) <u>Fertiliser (Toxic) Group Standard HSR002572</u> and (e) FertResearch's Code of Practice for Nutrient Management 2007. <p>Reason The changes made correct errors in the provisions.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>ii. Any similar amendments to like effect and any consequential amendments that stem from the amendment set out above.</p> <p>24.61 South Port NZ Ltd Support Rule 3.7.1 in part as (F) avoids unnecessary duplication in regulatory control with respect to such matters. The submitter considers that clause Rule 3.7.1(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 and retain clause (F).</p> <p>FS9.4 Ballance Agri-Nutrients Ltd supports Submission 24.61 stating it is critical that the Port have the ability to handle fertiliser products and considers the relief sought by the submitter is appropriate and would better respond to the operational requirements of SouthPort and associated businesses that rely on the port.</p>	
<p>91.17 PowerNet Ltd Support Rule 3.7.1(D). 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.</p>	<p>Decision 25/26 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provision and seeks no change to it.</p>
<p>13.7 Z Energy Ltd Support Rule 3.7.1(G) 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 stations, and that this practice should be recognised in the Plan. Amend 3.7.1(G) by adding the following:</p> <p>(ii) <u>The storage of HSNO class 2.1.1A LPG in single or multiple vessel storage tanks.</u></p>	<p>Decision 25/27 This submission is accepted in part</p> <p>Amendments to District Plan As provided for by Decision 25/24(ii).</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Decision 25/24 provides for an increase in the storage of LPG in cylinders where associated with the “swap and go” services and selling of gas bottles at service stations. There are appropriate HSNO Act 1996 requirements that control where LPG bottles can be stored on a service station and an increase in the allowable limit is appropriate recognising this. 2. The large scale storage of LPG in single vessel and multi-vessel tanks has the potential to have widespread and significant effects in the event of an accident. The site specifics and location of

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
	<p>these tanks are therefore very important in considering the effects, and in determining whether or not the activity is appropriate for a specific site. It is appropriate for these to be subject to consideration by way of resource consent.</p>
<p>102.11 Chorus NZ Ltd and 104.11 Telecom NZ Ltd The submitters support Rule 3.7.1(G) which permits any volume of storage in underground tanks. Retain.</p> <p>The submitters oppose Rule 3.7.1(H) on the grounds that the volume limits for above ground storage of diesel are too onerous. 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.</p> <p>52.7 NZ Police Oppose Rule 3.7.1(H). 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 therefore should not be subject to additional consent processes for small quantities of storage.</p> <p>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.</p> <p>FS7.16 South Port New Zealand Ltd supports Submissions 102.11, 104.11 and 52.7 and the approach regarding above ground storage limits for diesel and also considers that greater flexibility should be afforded to other activities that also comply with HSNO requirements.</p>	<p>Decision 25/28 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> <ol style="list-style-type: none"> Appendix VII allows for up to 10,000 litres of above ground storage of diesel and petroleum fuel oils in certified super vault tanks. As noted on pages 2 - 3 of this Decision the District Plan and HSNO controls serve a different purpose. The levels provided in Appendix VII are the point at which the Council believes it needs to be involved in order to address specific resource management concerns.
<p>71.52 NZAS Ltd Opposes Rules 3.7.2 and 3.7.3 in 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.</p> <p>FS24.18 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd support in part submission 71.52 as the submission is consistent with recent MFE guidance that supports a move away from the duplication of HSNO provisions in district plans. The further submitter is concerned that the proposed amendments to the rule and zoning result</p>	<p>Decision 25/29 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> As discussed on pages 4 and 5 of this Decision, the District Plan cannot override HSNO but can impose more stringent controls where it is necessary to address a resource management concern, or impose no controls where it is considered that the

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>in inconsistencies with how their oil terminal facilities are dealt with. The further submitter is also concerned with the Business 2 zoning of the area adjacent to its terminal which will increase the risk profile for the terminal from permitted sensitive activities, and that any sensitive activities recognise and take into account the fact that the terminal exists and remains functionally part of the Port.</p> <p>FS7.17 South Port New Zealand Ltd supports Submission 71.52 agreeing that HSNO adequately manages the adverse effects of hazardous substances. South Port believes that unnecessary duplication of roles should therefore be avoided.</p> <p>FS11.6 HW Richardson Group Ltd supports Submission 71.52 and the avoidance of duplication between the roles of the agencies managing hazardous substances.</p>	<p>matter is already adequately addressed by HSNO.</p> <p>2. Mostly the quantity triggers set out in Appendix VII of the Plan are in excess of HSNO, sometimes the same as, and in one or two instances no threshold has been provided (e.g. for below ground petroleum storage) where the Council's concerns are adequately addressed through the HSNO controls.</p> <p>3. Following any review of the HSNO Act 1996 regard will be given by the Council to any amendments which may be appropriate to the District Plan. They cannot be determined at this stage, and there is no guarantee that changes to that or any other Act will impact on the District Plan approach or provisions.</p>
<p>88.80 Federated Farmers Oppose Rule 3.7.2 in part as 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.</p> <p><u>Decision Sought:</u> 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.</p>	<p>Decision 25/30 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason Under Section 104A of the RMA, the Council must grant resource consent for a controlled activity. However, there are likely to be circumstances when approval should be withheld. As a consequence, controlled activity status is not appropriate.</p>
SECTION FOUR DEFINITIONS	
<p>13.6 Z Energy Ltd The submitter acknowledges that the definition of "Hazardous Substances" is largely similar to that found in the Hazardous Substances and New Organisms Act 1996, and supports the definition, with a suggested grammatical correction.</p> <p>The reference to the "waste generated by the use of a hazardous substance" is unnecessary, although the submitter is not opposed in principle. There is also a grammatical error with the inclusion of an unnecessary comma after the word "waste" which results in the definition requiring that the substance or waste has to be generated by the use of hazardous substances, which is probably not what was intended.</p> <p>The submitter also notes the requirement to meet the Hazardous Substance (Minimum Degrees of Hazard) Regulations 2001 and believes that the reference to</p>	<p>Decision 25/31</p> <p>1. Submission 90.30 H W Richardson Group Ltd is noted.</p> <p>2. Submissions 13.6 Z Energy Ltd and 65.119 ICC Environmental and Planning Services are accepted.</p> <p>Amendments to District Plan Amend the definition of Hazardous Substance as follows:</p> <p>Hazardous Substance: Means</p> <p>(A) any substance, or waste generated by the use of hazardous substances, with one or more of the following intrinsic properties which meets the Hazardous Substance (Minimum Degrees of Hazard) Regulations <u>2001</u>:</p> <p>(a) explosiveness</p> <p>(b) flammability</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>these regulations aids interpretation of the definition.</p> <p><u>Decision Sought:</u> Retain the definition with one exception, which is to delete the comma after “waste” from subsection (B) of the definition.</p> <p>65.119 ICC Environmental and Planning Services Support subject to amendment of drafting error. The submitter notes there is no date after the reference to the regulation. Amend reference to “Hazardous Substance (Minimum Degrees of Hazard) Regulations 2001”.</p> <p>90.30 H W Richardson Group Ltd Support. The submitter supports the definition as defined under the Hazardous Substances and New Organisms Act 1996. Retain.</p>	<p>(c) a capability to oxidise (d) corrosiveness (e) toxicity (including chronic toxicity) (f) ecotoxicity, with or without bio-accumulation; or (B) any substance which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance or waste, generated by the use of hazardous substances, with any one or more of the properties specified in paragraph (A) of this definition.</p> <p>Reason Minor drafting errors have been corrected.</p>
Appendix VII - Hazardous Substances	
<p>64.23 Department of Conservation Oppose Ecotoxic hazardous substances in part. The base class thresholds for ecotoxic hazardous substances do not reflect the quantity or toxicity of the hazardous substances to be stored. Review Appendix VII to reflect the toxicity and quantity of the active ingredients such as 1080, brodifacoum, pindone and diphacinone found in baits used in pest animal control operations.</p>	<p>Following receipt of the Section 42A Report this submission was withdrawn by way of an email from Geoff Deavoll, Resource Management Planner with the Department of Conservation dated 13 August 2015.</p>
<p>71.68 NZAS Ltd Oppose. The submitter opposes the inclusion of this Appendix, in particular because the submitter considers the limits are inconsistent with those set under the HSNO Act and associated regulations. Delete Appendix VII.</p>	<p>Decision 25/32 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Given the matters discussed on page 4, and Decision 25/22 it is appropriate to retain Appendix VII. 2. Decision 25/24 inserts a column into Appendix VII setting limits for classes of hazardous substances stored and used in the Smelter Zone.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

2.7 HAZARDOUS SUBSTANCES¹

The manufacture, storage, use, disposal and transportation of hazardous substances is an accepted and essential part of many everyday activities in our District. However, the composition of these substances is such that they can be “hazardous” to the environment and pose threats to human health and well-being.

Hazardous substances need to be managed to ensure that the District is able to continue to produce high quality output without compromising the health and safety of the public and the District’s sensitive environments, including our rivers, streams and wetlands that are sensitive to contamination from hazardous substance spillage within their catchment.

If not managed effectively, the manufacture, storage, use, disposal and transportation of hazardous substances may pose significant threats to the environment and the health and well-being of the community. This can be caused by the accidental, unintentional or uncontrolled release of hazardous substances resulting in contamination of water, soil and air, or risk of fire and explosive events. Indirect effects also need to be managed to avoid the accumulation of substances or sediment within sensitive environments.

To manage these risks, facilities and/or sites involved in such activities are subject to controls under a variety of legislation. The Hazardous Substances and New Organisms Act 1996 (HSNO) is the main legislation that controls the lifecycle of hazardous substances.

~~The Hazardous Substances and New Organisms Act 1996 (HSNO)~~ HSNO and the RMA complement each other. The HSNO Act 1996 provides the framework for developing technical standards for the use, storage, transportation, inspection, identification and regulation of hazardous substances. The RMA outlines responsibilities councils have to control the effects of the use or development of land, and to prevent or mitigate any adverse effects that may result from the use, storage, disposal or transportation of hazardous substances. The RMA is focused on site-specific controls on the use of land and on managing the risks to the local environment. It requires councils to take an effects-based approach to managing hazardous facilities.

The Invercargill City Council and Environment Southland also share functions under the RMA for the control of the use of land with the purpose of preventing or mitigating any adverse effects of the storage, use, transportation or disposal of hazardous substances. 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. The Council is responsible for managing the effects of hazardous substances on all other land.

The transportation of hazardous substances is controlled through the HSNO Act 1996 and the Land Transport Act 1998. It is beyond the scope of the RMA for the Council to direct the use of particular routes for transporting hazardous

¹ Decision 25/4

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

substances, however the Council is able to have input into processes and approvals under these Acts. The Council can also use education, promotion and advocacy as a means to influence the routes over which hazardous substances are transported.

~~If not managed effectively, the manufacture, storage, use, disposal and transportation of hazardous substances pose significant threats to the environment and the health and well-being of the community. This can be caused by the accidental, unintentional or uncontrolled release of hazardous substances resulting in contamination of water, soil and air, or risk of fire and explosive events. Indirect effects also need to be managed to avoid the accumulation of substances or sediment within sensitive environments.~~

2.7.1 Issues

The significant resource management issue for hazardous substances:

1. If not managed effectively ~~the~~² manufacture, storage, use, disposal and transportation and disposal³ of hazardous substances can have adverse effects on the environment and on public health and safety.

2.7.3 Policies

Policy 1 Environment: Ensure that hazardous substances are manufactured, stored, used and disposed of in a manner that avoids, remedies or mitigates adverse effects on the environment.

Explanation: *If not manufactured, stored, used, transported or disposed of appropriately, hazardous substances can give rise to a range of adverse environmental effects. These effects can be reduced through appropriate manufacture, storage, use, ~~transportation~~⁴ and disposal practices. Particular consideration should be given to the adoption of appropriate operating procedures and systems, staff training, defined transport routes, management plans, monitoring regimes and contingency plans. Particular consideration should also be given to the provision of containment systems or contingencies to control spillage or leakage, installation of appropriate signage and separation or buffers from sensitive natural environments, areas at significant risk of natural hazards and incompatible land use activities.*

Policy 2 Public health: Ensure that hazardous substances are manufactured, stored, used and disposed of in a manner that avoids adverse effects on public health.

Explanation: *Hazardous facilities should be designed, located, developed and operated to ensure that any adverse effects on the health and well-being of people and communities are avoided. This can be done through appropriate manufacture, storage, use, ~~transportation~~⁵ and disposal practices.*

Policy 3 Accidents: To require the establishment of facilities, systems and procedures which will ~~ensure avoidance, remediation, or mitigation~~ minimise the risk of pollution of soil, groundwater, water courses and air in the event of accidents involving hazardous substances.⁶

² Decision 25/5

³ Minor amendment made under Clause 16(2) of the RMA First Schedule

⁴ Decision 25/8

⁵ Decision 25/8

⁶ Decision 25/10

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

Explanation: *The manufacture, storage, use, transportation and disposal of hazardous substances can result in accidental discharges of the substances. It is important that systems are in place should this occur and that facilities are available to store or dispose of the hazardous substances in such a manner that will ~~not manage the potential for adversely affect effects on the environment.~~ The Council will also need to collaborate with other Local Authorities and industries and public organisations to develop and implement systems and procedures in the event of accidents involving hazardous substances.*⁷

Policy 4 Transportation: ~~To encourage promote transportation of hazardous substances including wastes to be undertaken by modes and along transport routes which prevent or minimise the risk of adverse effects on people, the community and the wider environment, natural and physical resources, and on other transport users, and which prevent the risk of adverse effects on human health.~~⁸

Explanation: *The Council through resource management processes cannot direct the modes or routes used for the transportation of hazardous substances. However, this can be influenced by the location of zones within which activities producing, storing and using hazardous substances are provided for, and by controls available through other legislation, for example, the Land Transport Act 1998. Co-locating industrial zones with access to heavy traffic routes and key transportation networks will encourage the transportation of hazardous substances on routes that do not pass through more sensitive urban environments.*⁹

Policy 5 Other legislation: To recognise the provisions of other legislation, such as the Hazardous Substances and New Organisms Act 1996, which manages the adverse effects of manufacture, storage, use, transportation and disposal of hazardous substances.¹⁰

Explanation: *Aspects of the manufacture, storage, use, transportation and disposal of hazardous substances are subject to management or control through various Acts, for example the Hazardous Substances and New Organisms Act 1996 and the Land Transport Act 1998, each for a different purpose. There needs to be District Plan provides congruity between these and sets out the matters to which it is required to have regard under the Resource Management Act 1991. legislation passed at Central Government level, and regional and district plans.*¹¹

Policy 7 Collaboration: To develop and maintain an integrated and collaborative approach amongst Central Government, Regional and Territorial Authorities, stakeholders and landowners to the management of hazardous substances.

Explanation: *Working collaboratively with Central Government, Environment Southland, stakeholders and landowners will assist in managing hazardous*

⁷ Decision 25/10

⁸ Decision 25/11

⁹ Decision 25/11

¹⁰ Decision 25/11

¹¹ Decision 25/11

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

substances appropriately, minimise risks, and avoid unnecessary duplication of controls.¹²

2.7.3 Methods of Implementation

Method 6 Develop and disseminate information on good practice in storing, handling, transporting¹³ and using hazardous substances.

2.20 AIRPORT PROTECTION ZONE

Policy 14 Hazardous substances: ~~To protect the public from the effects of storage and use of excessive amounts of hazardous substances.~~ To provide for the storage and use of moderate amounts of hazardous substances, whilst protecting the public from the effects of the storage and use of excessive amounts of hazardous substances.¹⁴

***Explanation:** Some substances used in normal domestic living and rural activities are potentially hazardous. Neighbours, including the airport, are entitled to protection from hazard from the storage and use of more than domestic quantities of hazardous material.*

SECTION THREE - RULES

3.7 HAZARDOUS SUBSTANCES

3.7.1 The following activities are permitted activities:

- (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~~ January 2012 EPA 0135¹⁵
- (C) The storage and use of fertiliser within the Group 4: Rural 1, Rural 2 and Airport Protection Zones and Group 6: Seaport 1 Zone 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) Fertiliser (Toxic) Group Standard HSR002572, and
 - (e) ~~FertResearch's Code of Practice for Nutrient Management 2007~~¹⁶

¹² Decision 25/15

¹³ Decision 25/11

¹⁴ Decision 25/19

¹⁵ Decision 25/25

¹⁶ Decision 25/25

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

SECTION FOUR - DEFINITIONS

Hazardous Substance: Means

(A) any substance, or waste generated by the use of hazardous substances, with one or more of the following intrinsic properties which meets the Hazardous Substance (Minimum Degrees of Hazard) Regulations 2001¹⁷:

- (a) explosiveness
- (b) flammability
- (c) a capability to oxidise
- (d) corrosiveness
- (e) toxicity (including chronic toxicity)
- (f) ecotoxicity, with or without bio-accumulation; or

(B) any substance which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance or waste, generated by the use of hazardous substances, with any one or more of the properties specified in paragraph (A) of this definition.

¹⁷ Decision 25/31

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX VII – HAZARDOUS SUBSTANCES

HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	GROUP 1: RESIDENTIAL 1, 1A, 2, 3, AND OTATARA ZONES AND RESIDENTIAL ACTIVITIES IN ALL OTHER ZONES	GROUP 2: INDUSTRIAL 1, 4A, BUSINESS 1, 2, 3, 4, AND 5 AND 6 ZONES EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 3: INDUSTRIAL 2, 2A, 3, AND 4 AND SEAPORT 2 SMELTER ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 4 HOSPITAL ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 5: RURAL 4, 2, AIRPORT PROTECTION ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 6: SEAPORT 1 ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 7: AIRPORT OPERATIONS ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 8: SMELTER ZONE ¹⁸ , EXCLUDING RESIDENTIAL ACTIVITIES
Explosives									
1.1A – G, J, L Mass explosion hazard	Gunpowder and black powder	15kg	No threshold	15kg	0	15kg	No threshold	No threshold	<u>No threshold</u>
	Display fireworks	0	0	0	0	0	0	0	<u>0</u>
	Industrial explosives (eg TNT) and all other	0	25kg	25kg	0	25kg	No threshold	0	<u>25kg</u>
1.2B – L Projection hazard	All	No threshold							
1.3C, F – L Fire and minor blast hazard	Smokeless ammunition reloading powder	15kg	50kg	50kg	0	15kg	No threshold	15kg	<u>50kg</u>
1.3C, F – L Fire and minor blast hazard	Retail fireworks	No thresholds (refer to Hazardous Substance (Fireworks) Regulations 2001							
	All other 1.3	No thresholds							
1.4B – G, S No significant hazard	Safety ammunition and marine flares	25kg	50kg	50kg	5kg	25kg	50kg	25kg	<u>50kg</u>
	Retail fireworks	No thresholds (refer to Hazardous Substance (Fireworks) Regulations 2001							
	Sodium Azide	0	0	0	0	0	0	0	<u>0</u>
	All other 1.4	No thresholds							
Gases and Aerosols									
1.5 D Very insensitive, with mass explosion hazard	All	No thresholds							
1.6N Extremely insensitive, no mass explosion hazard	All	No thresholds							
2NH (Non-hazardous)	All	10m ³	200 m ³	200 m ³	200 m ³	200 m ³	200 m ³	200 m ³	<u>7500m³</u>
2.1.1A High hazard gases	LPG (inc. propane-based refrigerant) in cylinders <u>For Service Stations refer also to Note 11¹⁹</u>	300kg Total Storage Quantity providing indoor storage is no more than 20kg per dwelling (except for multi-storey attached dwellings of over 3 storeys where no more than 10kg per dwelling)	300kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders	300kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders	300kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders	300kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders	No threshold	300kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders	<u>1500kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders</u>
	LPG propane-based refrigerant in commercial refrigeration receivers	0	50kg	50kg	50kg	50kg	50kg	50kg	<u>500kg</u>

¹⁸ Decision 25/24

¹⁹ Decision 25/24

Note: Underline indicates additions, strikethrough indicates deletions.

HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	GROUP 1: RESIDENTIAL 1, 1A, 2, 3, AND OTATARA ZONES AND RESIDENTIAL ACTIVITIES IN ALL OTHER ZONES	GROUP 2: INDUSTRIAL 1, 4A , BUSINESS 1, 2, 3, 4, AND 5 AND 6 ZONES EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 3 : INDUSTRIAL 2, 2A , 3, AND 4 AND SEAPORT 2 SMELTER ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 4 HOSPITAL ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 5: RURAL- 1 , 2, AIRPORT PROTECTION ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 6: SEAPORT 1 ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 7: AIRPORT OPERATIONS ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 8 : SMELTER ZONE ¹⁸ , EXCLUDING RESIDENTIAL ACTIVITIES
2.1.1A High hazard flammable gases	LPG in single vessel tanks	0	0	0	0	0	0	0	80 tonnes
	LPG in multi-vessel tanks	0	0	0	0	0	0	0	80 tonnes
	Acetylene	1 m ³	30m ³	30m ³	30m ³	30m ³	No threshold	30m ³	400m ³
	Hydrogen, and all other permanent gases	0	30m ³	30m ³	30m ³	30m ³	No threshold	30m ³	30m ³
	Methane	0	30m ³	100m ³	30m ³	100m ³	No threshold	30m ³	30m ³
2.1.1B Medium hazard flammable gases	Anhydrous ammonia refrigerant	0	0	0	0	0	0	0	0
	All other 2.1.1B	No thresholds							
2.1.2A Flammable aerosols	All	20 litres	450 litres	450 litres	450 litres	450 litres	450 litres	450 litres	450 litres
Flammable liquids (stored above ground in containers with individual capacity ≤450litres)									
3.1A – Liquid: Very high hazard (flash point <23°C, initial boiling point ≤35°C)	Petrol	<ul style="list-style-type: none"> • 10 litres inside dwelling • 50 litres outside dwelling (No storage in metal drums) 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores.
	All other	0	50 litres	50 litres	50 litres	50 litres	50 litres	50 litres	50 litres
3.1B Liquid: High hazard (FP <23°C, IBP >35°C)	All e.g. acetone, paint spray thinners, pure alcohol	10 litres	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. • Retail activities only – 1500 litres in containers of up to 5 litres each 						<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 4000 litres in approved HSNO 'Type' stores in containers up to 20L each.
3.1A Petrol plus 3.1B	Petrol plus any 3.1B substance– cumulative total limit	<ul style="list-style-type: none"> • 10 litres inside dwelling • 50 litres outside dwelling • (no storage in metal drums) 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. • Retail activities only – 1500 litres in containers of up to 5 litres each 						<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 4000 litres in approved HSNO 'Type' stores in containers up to 20L each.

Note: Underline indicates additions, strikethrough indicates deletions.

HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	GROUP 1: RESIDENTIAL 1, 1A, 2, 3, AND OTATARA ZONES AND RESIDENTIAL ACTIVITIES IN ALL OTHER ZONES	GROUP 2: INDUSTRIAL 1, 1A, BUSINESS 1, 2, 3, 4, AND 5 AND 6 ZONES EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 3 : INDUSTRIAL 2, 2A, 3, AND 4 AND SEAPORT 2 SMELTER ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 4 HOSPITAL ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 5: RURAL 1, 2, AIRPORT PROTECTION ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 6: SEAPORT 1 ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 7: AIRPORT OPERATIONS ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 8 : SMELTER ZONE ¹⁸ , EXCLUDING RESIDENTIAL ACTIVITIES
Flammable Liquids (stored above ground in containers with individual capacity ≤450litres)									
3.1C Liquid: Medium Hazard (FP≥23°C, but ≤61°C)	All – e.g. kerosene, aviation kerosene	<ul style="list-style-type: none"> • 20litres inside dwelling • 50 litres outside dwelling 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. • Retail activities only – 1500 litres in containers of up to 5 litres each 						<ul style="list-style-type: none"> • <u>50 litres any storage except metal drums</u> • <u>250 litres in Dangerous Goods cabinet approved to AS1940</u> • <u>4000 litres in approved HSNO 'Type' stores in containers up to 210L each.</u>
Liquid Low Hazard (FP>60°C but ≤93°C)	All – e.g. diesel, petroleum fuel oils	<ul style="list-style-type: none"> • 20 Litres inside dwelling • 50 litres outside dwelling 	<ul style="list-style-type: none"> • 50 litres any storage except metal drums • 250 litres in Dangerous Goods cabinet approved to AS1940 • 450 litres in approved HSNO 'Type' stores. • Retail activities only – 1500 litres in containers of up to 5 litres each 						<ul style="list-style-type: none"> • <u>50 litres any storage except metal drums</u> • <u>250 litres in Dangerous Goods cabinet approved to AS1940</u> • <u>4000 litres in approved HSNO 'Type' stores in containers up to 210L each.</u>
Flammable liquids (stored above ground in containers with individual capacity >450 litres) (Tanks >450 litres)									
3.1A Liquid: Very high hazard (flash point <23°C initial boiling point ≤35°C)	Petrol	0	<ul style="list-style-type: none"> • Certified tanks: 600 litres 						
	All others	0	0	0	0	0	0	0	0
3.1B Liquid: High hazard ((flash point <23°C initial boiling point ≤35°C)	All – e.g. acetone, paint spray thinners, pure alcohol	0	<ul style="list-style-type: none"> • Certified tanks: 600 litres 						
3.1C Liquid: Medium hazard (flash point <23°C initial boiling point ≤61°C)	All – e.g. kerosene, aviation kerosene	0	<ul style="list-style-type: none"> • Certified tanks:2000 litres 						
Flammable liquids (stored above-ground in containers with individual capacity > 450 litres)									
3.1D Liquid: Low Hazard ((flash point >60°C initial boiling point ≤93°C)	All – e.g. diesel, petroleum fuel oils	<ul style="list-style-type: none"> • Certified tanks: 600 litres • Certified super vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 litres 	<ul style="list-style-type: none"> • Certified tanks: 600 litres • Certified super vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 litres 	<ul style="list-style-type: none"> • Certified tanks: 2000 litres • Certified super vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 litres 	<ul style="list-style-type: none"> • Certified tanks: 2000 litres • Certified super vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 litres 	<ul style="list-style-type: none"> • Certified tanks: 5000 litres • Certified super vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 litres 	<ul style="list-style-type: none"> • No threshold 	<ul style="list-style-type: none"> • No threshold 	<u>No threshold</u>
Flammable liquids (stored below-ground)									
3.1A, 3.1B, 3.1C, 3.1D	Petroleum or alcohol blend fuels	No threshold							
Flammable liquids (any storage)									
3.2A, 3.2B & 3.2C Liquid desensitised explosive: High,	All	0	0	0	0	0	0	0	

Note: Underline indicates additions, strikethrough indicates deletions.

HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	GROUP 1: RESIDENTIAL 1, 1A, 2, 3, AND OTATARA ZONES AND RESIDENTIAL ACTIVITIES IN ALL OTHER ZONES	GROUP 2: INDUSTRIAL 1, 4A , BUSINESS 1, 2, 3, 4, AND 5 AND 6 ZONES EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 3 : INDUSTRIAL 2, 2A , 3, AND 4 AND SEAPORT 2 SMELTER ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 4 HOSPITAL ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 5: RURAL 4 , 2, AIRPORT PROTECTION ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 6: SEAPORT 1 ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 7: AIRPORT OPERATIONS ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 8 : SMELTER ZONE ¹⁸ , EXCLUDING RESIDENTIAL ACTIVITIES
medium & low hazard									
Flammable solids									
4.1.1A Readily combustible solids that may cause fire through friction: Medium hazard	All	0	50kg	50kg	50kg	50kg	No threshold	No threshold	<u>No threshold</u>
4.1.1B Readily combustible solids and solids that may cause fire through friction: low hazard	All	0	500kg	500kg	500kg	500kg	No threshold	No threshold	<u>500kg</u>
4.1.2A&B Self-reactive: Types A & B	All	0	50kg	50kg	50kg	50kg	No threshold	No threshold	<u>50kg</u>
4.1.2C-G Self-reactive: Types C-G	All	0	500kg	500kg	500kg	500kg	No threshold	No threshold	<u>500kg</u>
4.1.3A-C Solid desensitised explosives	All	0	0	0	0	0	0	0	<u>0</u>
Flammable solids									
4.2A&B Spontaneously combustible – pyrophoric substances: High hazard and self-heating substances: Medium hazard	All	0	50kg	50kg	50kg	50kg	50kg	50kg	<u>50kg</u>
4.2C Spontaneously combustible – Self-heating substances: Low hazard	All	0	500kg	500kg	500kg	500kg	500kg	500kg	<u>500kg</u>
4.3A&B Solids that emit flammable gas when wet: High and medium hazard	All	0	50kg	50kg	50kg	50kg	50kg	50kg	<u>50,000 tonnes</u>
4.3C Solids that emit flammable gas when wet: Low hazard	All	0	500kg	500kg	500kg	500kg	500kg	500kg	<u>250,000 tonnes</u>
Oxidising substances									
5.1.1A –C Liquids & Solids	All	10 litres if liquid, 10kg if solid	200 litres if liquid, 200kg if solid	200 litres if liquid, 200kg if solid	200 litres if liquid, 200kg if solid	No threshold	No threshold	No threshold	<u>200 litres if liquid, 200kg if solid</u>
5.1.2A Gases	Oxygen (Except as stored and used in accordance with HSNO requirements within medical facilities)	5.5m ³	200m ³	1000m ³	No threshold	200m ³	No threshold	No threshold	<u>No threshold</u>
	Nitrous Oxide (except as stored and used in accordance with HSNO requirements within medical facilities)	0	0	0	No threshold	0	No threshold	No threshold	<u>No threshold</u>
	Chlorine	0	0	0	0	0	No threshold	No threshold	<u>2000kg</u>

Note: Underline indicates additions, strikethrough indicates deletions.

HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	GROUP 1: RESIDENTIAL 1, 1A, 2, 3, AND OTATARA ZONES AND RESIDENTIAL ACTIVITIES IN ALL OTHER ZONES	GROUP 2: INDUSTRIAL 1, 4A , BUSINESS 1, 2, 3, 4, AND 5 AND 6 ZONES EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 3 : INDUSTRIAL 2, 2A , 3, AND 4 AND SEAPORT 2 SMELTER ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 4 HOSPITAL ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 5: RURAL- 1,2 , AIRPORT PROTECTION ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 6: SEAPORT 1 ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 7: AIRPORT OPERATIONS ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 8 : SMELTER ZONE ¹⁸ , EXCLUDING RESIDENTIAL ACTIVITIES
5.2A – G Organic Peroxide Types A-G	All – e.g. MEKP Polyester resin catalyst	0.5litres	0.5 litres	16 Litres	0.5 litres	0.5 litres	No threshold	No threshold	<u>16 litres</u>
Toxic substances									
6.1A – C Acutely toxic	Anhydrous ammonia refrigerant	0	0	0	0	0	No threshold	No threshold	0
	Chlorine	0	0	0	0	0	No threshold	No threshold	<u>No threshold</u>
	All other substances	0	20 litres if liquid, 20kg if solid	20 litres if liquid, 20kg if solid	20 litres if liquid, 20kg if solid	20 litres if liquid, 20kg if solid	No threshold	No threshold	<u>No threshold</u>
6.1D&E	All	1kg	100kg	200kg	200kg	200kg	No threshold	No threshold	<u>No threshold</u>
Toxic Substances									
6.3A&B Skin irritant	All	1kg	1000kg	2000kg	1000kg	2000kg	No threshold	No threshold	<u>No threshold</u>
6.4A Eye irritant	Cement, Hydrated Lime and Burnt Lime	80kg	30 tonne	50 tonne	30 tonne	30 tonne	No threshold	No threshold	<u>No threshold</u>
	All others	1kg	1000kg	2000kg	1000kg	2000kg	No threshold	No threshold	<u>No threshold</u>
6.5A&B Respiratory and contact sensitisers	Cement, Hydrated Lime and Burnt Lime	80kg	30 tonne	50 tonne	30 tonne	30 tonne	No threshold	No threshold	<u>No threshold</u>
	All others	1kg	1000kg	2000kg	1000kg	2000kg	No threshold	No threshold	<u>No threshold</u>
6.6A&B Human mutagens	All	1kg	1000kg	2000kg	1000kg	2000kg	No threshold	No threshold	<u>No threshold</u>
6.7A&B Carcinogens	All	1kg	1000kg	<u>2000kg</u> ²⁰	1000kg	<u>2000kg</u>	No threshold	No threshold	<u>No threshold</u>
6.8A-C Human reproductive or developmental toxicants	All	0	0	0	0	0	0	0	<u>No threshold</u>
6.9A&B Substances affecting human target organs or systems	All	0	0	0	0	0	0	0	<u>No threshold</u>
Radioactive materials									
Class 7 These substances are controlled through the Radiation Protection Act 1965 rather than through HSNO	All	Quantities specified in the 'Type A' transport package limit as identified in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material. Examples: Domestic smoke detectors, demonstration radioactive sources in school laboratories.							
Corrosives									
8.1A Substances corrosive to metals	All	1 litres	1000 litres	1000 litres	1000 litres	1000 litres	1000 litres	1000 litres	<u>1000 litres</u>

²⁰ Decision 25/24

Note: Underline indicates additions, strikethrough indicates deletions.

HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	GROUP 1: RESIDENTIAL 1, 1A, 2, 3, AND OTATARA ZONES AND RESIDENTIAL ACTIVITIES IN ALL OTHER ZONES	GROUP 2: INDUSTRIAL 1, 4A , BUSINESS 1, 2, 3, 4, AND 5 AND 6 ZONES EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 3 : INDUSTRIAL 2, 2A , 3, AND 4 AND SEAPORT 2 SMELTER ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 4 HOSPITAL ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 5: RURAL 1, 2 , AIRPORT PROTECTION ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 6: SEAPORT 1 ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 7: AIRPORT OPERATIONS ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 8 : SMELTER ZONE ¹⁸ , EXCLUDING RESIDENTIAL ACTIVITIES
8.2A-C Substances corrosive to skin	Cement, Hydrated Lime and Burnt Lime	80kg	30 tonne	50 tonne	30 tonne	30 tonne	No threshold	No threshold	<u>No threshold</u>
	All	1 litres	1000 litres	1000 litres	1000 litres	1000 litres	1000 litres	1000 litres	<u>3000 litres</u>
8.3A Substances corrosive to the eye	Cement, Hydrated Lime and Burnt Lime	80kg	30 tonne	50 tonne	30 tonne	30 tonne	No threshold	No threshold	<u>No threshold</u>
	All	1 litres	1000 litres	1000 litres	1000 litres	1000 litres	1000 litres	1000 litres	<u>3000 litres</u>
Ecotoxics									
9.1A-D Aquatic ecotoxics and 9.2A-D Soil ecotoxics	All	See base Class thresholds NB : Where a substances requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter							
9.3A-C Terrestrial vertebrate ecotoxics	All	See base Class thresholds NB: Where a substances requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter							
9.3A-C Terrestrial invertebrate ecotoxics	All	See base Class thresholds NB: Where a substances requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter							

Notes:

- The above table contains maximum permitted quantity thresholds (plus, in certain cases, storage requirements) for the storage, use and management of different types of hazardous substance, as classified via the Hazardous Substance (Classification) Regulations 2001. To avoid confusion, maximum permitted means up to and equal to the quantity thresholds specified. The quantities vary according to Zone and/or activity type. Where the requirements set out in this table are not met, resource consent will be required under Rule 3.7.2 of the District Plan.
- Unless otherwise stated, if a hazardous substance falls into more than one HSNO sub-class and is therefore controlled by more than one maximum permitted quantity threshold, the base or primary class shall determine the maximum permitted quantity threshold. The base or primary class of a substance is the first classification listed beside any substance within New Zealand Gazette Notice No. 35, as well as in all HSNO required labelling and signage. Where the requirements set out in this table are not met, resource consent will be required under Rule 3.7.2 of the District Plan.
- The permitted quantity thresholds in the above table apply per site, except for in Group 2, 3, 6 and 7 where the permitted quantity thresholds apply per hazardous sub-facility. Where more than one activity is carried out per site or hazardous sub-facility, each hazardous sub-facility shall comply with the above table, otherwise resource consent will be required under Rule 3.7.2 of the District Plan.
- Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight shall be considered (for the purposes of this table) to be that present in conditions of 20°C and 101.3kPa otherwise resource consent will be required under Rule 3.7.2 of the District Plan.
- Waste hazardous substances and waste generated by hazardous substances shall be treated as if it were the original hazardous substance. The disposal of hazardous substances is adequately controlled by the Hazardous Substances and New Organisms Act 1996 and by Environment Southland and is not controlled by the District Plan.
- Where any site contains residential activity then the Residential 1, 2 and 3 Zone thresholds detailed in the table shall exclusively apply, regardless of any other activity occurring on the site except for within the Rural 1 and Rural 2 Zones, where the Residential 1, 2 and 3 Zone thresholds apply to the residential dwelling and cartilage only.
- Dwelling under HSNO includes the house and any structure attached to the house including a carport, basement garage, etc. It does include a balcony and a veranda but not a deck or patio unless roofed over.
- "Approved" means test certified as compliant with HSNO, or in some cases approved by the EPA.
- "Certified" means tanks that are issues with a Design Verification Test Certificate under HSNO by a Test Certifier if they are of a standard design e.g. service station tanks, farm tanks, etc. The Design Verification Certificate is for the EPA listed Test Certified Approved Tank Fabricator's production tanks; or, they are site built and subject to Engineer's Producer Statements – PS1 and PS4's for design, tanks slab and seismic restraint. Both construction methods are then subject to Stationary Container Systems Certificates on site by another Test Certifier.
- In addition to these District Plan rules, the provisions of other legislation may also be applicable to activities involving hazardous substances. Separate approvals may be required under the provisions of different legislation.
- Notwithstanding the volumes set for LPG (inc. propane-based refrigerant) in cylinders in Class 2.1.1A High hazard gases the following quantity of LPG stored in cylinders up to a maximum size of 45 kg is permitted at duly authorised services stations selling fuel and associated products:
Seaport 1 and Smelter Zones No limit

Note: Underline indicates additions, strikethrough indicates deletions.

All other Zones 450 kg²¹

Use of LPG Inside Buildings

LOCATION	MAX. QUANTITY OF LPG	MAX SIZE OF CYLINDER
A detached house or single storey attached dwelling and multi-storey attached dwelling up to three storeys	20kg per dwelling	10kg cylinder
Multi-storey attached dwellings over three storeys	10kg per dwelling	10kg cylinder
Hotels, bars, restaurants, public buildings, places of worship, shops, offices and laboratories not attached to a dwelling	10kg per 10m ² of the indoor floor area, up to a maximum total quantity of 100kg	10kg cylinder
Hotels, bars, restaurants, public buildings, places of worship, shops, offices and laboratories that are attached to a dwelling	20kg per premises	10kg cylinder
Factories and warehouses	45kg per 50m ² of the indoor floor area, up to a maximum total quantity of 180kg per occupancy	45kg cylinder

The table for the use of LPG inside buildings was included in EPA document HRC09001 – the Reassessment of LPG and LPG based refrigerants. The trigger quantities are maximums and cannot be exceeded through the resource consent process (provided for information only) as prohibited under HSNO.

²¹ Decision 25/24

Note: Underline indicates additions, strikethrough indicates deletions.