



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 25

Hazardous Substances

**2 March 2015, 9.00 am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

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TABLE OF CONTENTS

	Page
1. Executive Summary	1
2. Introduction	2
2.1 Report Author	2
2.2 Peer Review	2
2.3 How to Read this Report.....	2
2.4 Interpretation.....	3
2.5 The Hearing Process	3
3. Background	5
3.1 Proposed issues, objectives and policies	5
3.2 Proposed rule	6
4. Statutory Context / Legislative Requirements	7
4.1 Resource Management Act 1991	7
4.1.1 Part 2 of the RMA	7
4.1.2 Functions of Territorial Authorities under the RMA.....	8
4.1.3 Consideration of alternatives, benefits, and costs	8
4.2 Relevant Planning Policy Documents.....	8
4.2.1 New Zealand Coastal Policy Statement	8
4.2.2 National Policy Statements	8
4.2.3 National Environmental Standards.....	9
4.2.4 Regional Policy Statement.....	9
4.2.5 Proposed Regional Policy Statement.....	9
4.2.6 Regional Plans.....	9
4.2.7 Iwi Management Plans.....	10
4.2.8 Management Plans and Strategies Prepared under other Acts.....	10
4.3 Summary	10
5. Analysis of submissions	11
5.1 Inclusion of Standards	11
5.1.1 HSNO and the RMA.....	11
6. Discussion of Section 32 matters	13
6.1. Relevant Section 32AA matters	13
6.2 Section 32AA further evaluation.....	13
7. Concluding comments	14
Appendix 1 – Recommendations on submissions	15
Appendix 2 - Recommended Changes to the Proposed District Plan	45
Appendix 3 – Regional Policy Statement Provisions	55

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1. EXECUTIVE SUMMARY

This report is on the Hazardous Substances Provisions of the Proposed District Plan.

Hazardous substances pose a risk to human health and the environment. They contain hazardous properties that are explosive, flammable, oxidising, toxic, corrosive, or ecotoxic. If these substances are not handled properly, or if waste containing hazardous substances is not disposed of properly, there is potential for the environment to become contaminated and for people to become sick or injured. To manage such risks, facilities and/or sites involved in such activities are subject to controls under a variety of legislation.

Under the Resource Management Act 1991 (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. 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.

Forty submission points and 26 further submissions were received on the hazardous substances provisions. The key concern of the submitters was on the overall concept of the Plan in addressing hazardous substances. They consider that the Hazardous Substances and New Organisms Act 1996 (HSNO) already provides adequate control in managing hazardous substances and that the District Plan provides unnecessary duplication of these controls.

Overall the report concludes that 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 provision with HSNO and avoid any unnecessary duplication. However, in some instances duplication or more stringent controls are necessary in order to address a specific resource management issue, not otherwise controlled by HSNO.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on the topic of Hazardous Substances.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 5 assesses the relevant issues raised by the submitters.
- Part 6 provides a discussion on the Section 32 matters.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out the recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.

2. INTRODUCTION

2.1 Report Author

My name is Joanna Louise Shirley. I am a Policy Planner at the Invercargill City Council, a position I have held since February 2014. I hold a Bachelor of Environmental Management and am an associate member of the New Zealand Planning Institute. I have five years experience in the planning field as a Resource Management Officer, which has involved implementing the District Plan and producing various planning documents.

2.2 Peer Review

This report has been prepared with the guidance and advice of Rex Alexander from Envirocom (NZ) Limited and has been peer reviewed by Dan Wells from John Edmonds and Associates Ltd.

Rex has been involved with the formulation and development of the HSNO Regulations and Gazetted Controls since the early 1990s, taking part in Ministry for the Environment (MfE) and Environmental Risk Management (ERMA) (now Environmental Protection Authority EPA) working parties to ensure the successful commencement of this complex legislation. He holds a qualification in environmental studies from the University of Otago and post graduate level qualifications in toxicology and emergency management of hazardous chemicals.

Dan Wells is a resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the hazardous substances topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to hazardous substances.
- Appendices 1, 2 and 3.

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on the hazardous substances provisions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council.

“FS” means further submitter in **Appendix 2**.

“Hearings Committee” means the District Plan Hearings Committee.

“HSNO” means the Hazardous Substances and New Organisms Act 1996.

“Operative District Plan” means the Invercargill City District Plan 2005.

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013.

“Provisions” is a term used to collectively describe Objectives, Policies and Rules.

“RMA” means the Resource Management Act 1991.

“Submitter” means a submitter to the Proposed District Plan.

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the hazardous substances provisions of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf.

They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- The hearing should be reconvened to allow responses to any report prepared, or
- Any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

Hazardous substances pose a risk to human health and the environment. They contain hazardous properties that are explosive, flammable, oxidising, toxic, corrosive, or ecotoxic. If these substances are not handled properly, or if waste containing hazardous substances is not disposed of properly, there is potential for the environment to become contaminated and for people to become sick or injured. To manage such 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 and requires their storage, use and disposal to meet certain requirements irrespective of their location in the environment. This involves minimum performance requirements covering containment, packaging, identification/labelling, tracking, competency of handling, emergency response and disposal. These controls apply anywhere and any time to a given substance classified as hazardous under HSNO.

Under the Resource Management Act 1991, 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. This function enables local authorities to address those aspects of hazardous substance management not otherwise provided by HSNO, allowing for controls specific to a particular location and/or land use.

The two Acts are designed to complement each other, with HSNO providing the overall framework for managing hazardous substance anywhere in New Zealand, and the RMA providing additional controls over and above those available through HSNO, to ensure that site specific circumstances can be taken into account.

The preparation of the Operative District Plan was undertaken at a similar time as the enactment of the HSNO Act and as such was written in the vernacular of the previous Dangerous Goods Act. This has resulted in a plan that is out of date and therefore the Proposed District Plan seeks to bring this section of the Plan in line with the current HSNO legislation.

3.1 Proposed Issues, Objectives and Policies

Under the Operative District Plan hazardous substances fell under the umbrella of amenity which did not capture the significance of the issue. No specific issues or objectives were provided and the policies focused on more generic amenity issues rather than on the issues specific to hazardous substances.

In order to provide a more focused response to this issue, a new section on the issues, objectives, policies and methods of implementation specific to hazardous substances has been provided in the Proposed District Plan.

The Proposed District Plan has identified the adverse effects of the manufacture, storage, use, disposal and transportation of hazardous substances as a significant resource management issue. One objective and six policies are provided on this topic.

The objective is focused on the protection of the environment and human health and safety from the adverse effects of the manufacture, storage, use,

transportation and disposal of hazardous substances. The policies support this objective by ensuring that hazardous substances are manufactured, stored, used, transported, and disposed of in a manner that avoids adverse effects on the environment and on public health. This is done by requiring facilities, systems and procedures to be established in the event of an accident, encouraging transportation of hazardous substances through less sensitive environments, and by improving the community's knowledge of hazardous substances. The policies also seek to recognise the provisions of other legislation, such as the HSNO Act, which also have a role in the management of hazardous substances.

Policies have also been provided in the Zone Specific Section of the Plan for each of the different zones. These policies recognise the individual needs and amenity of the zones specific to the manufacture, storage and use of hazardous substances.

3.2 Proposed Rule

The Operative District Plan provides a maximum for storage of hazardous substances but this has become out of date as legislation has changed throughout the years.

The Proposed District Plan has carried across the hazardous substance threshold table from the Operative District Plan but has updated the categories, classes, and quantities to reflect the current hazardous substances legislation. The table sets out the type of hazardous substance and its class or classification under HSNO, together with the maximum permissible quantities. The thresholds vary depending on the zoning. Zones with similar characteristic and amenity values have been grouped together.

A new permitted activity criterion has also been added to the Proposed District Plan to provide a more effects based response to hazardous substances. These matters (Rule 3.7.1 A – H) are considered to be sufficiently controlled by HSNO and other legislation and, provided compliance is met, do not need any further control through the District Plan.

Hazardous Substances also formed part of the considerations for the zoning of the district. For example heavy industries which are more likely to store large quantities of hazardous substances have been zoned away from the more sensitive residential zones. This works to a point, but for mixed zone areas where residential, industrial and commercial activities are all permitted there is the potential for adverse effects. This is where the table is particularly important as it sets limits appropriate to the zone activities. Where these limits are exceeded the Council can then assess the environmental effects through the resource consent process including effects on neighbouring properties and reverse sensitivity.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

4.1 Resource Management Act 1991

In reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The process under the First Schedule includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that after considering a plan the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out the Act's purpose and principles.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for hazardous substances fall within the purpose of the Act. In particular, the provisions provide for the health and safety of people and are designed to avoid, remedy or mitigate adverse effects on the environment, in accordance with Section 5(2)(c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. None of these matters are of direct relevance to the hazardous substances provisions.

Section 7 of the RMA sets out "other matters" for which particular regard shall be had. It is considered that the most relevant matters to the issue of hazardous substances are:

- (c) *Maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment.*

It is considered that the provisions relating to hazardous substances in the Proposed District Plan demonstrate particular regard to these matters.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group who have worked on developing the Proposed District Plan. Consultation with Iwi has also occurred. The adverse effects of hazardous substances can have direct impact on the cultural integrity of mahinga kai, wāhi tapu, wāhi taonga and cultural landscapes. These matters were considered when developing the provisions of the Plan which seek to avoid adverse effects of hazardous substances on the environment and public health.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA describes the functions of a territorial authority under that Act. One of the functions set out in Section 31(1)(a) is:

“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.”

Under Section 31(1)(b)(ii) of the RMA a territorial authority has a specific function to *“... control ... any actual or potential effects of the use, development, or protection of land for the purpose of the prevention or mitigation of any adverse of the storage, use, disposal, or transportation of hazardous substances.”*

Submissions have questioned the role of the Council with regard to hazardous substances, however, it is one of the specific functions provided to a territorial authority and is therefore an issue that is appropriately provided for in the Plan. Section 142 of the HSNO Act allows for more stringent controls on the management of hazardous substances to be imposed where it is considered necessary to achieve the purpose of the RMA.

As set out in Section 5 of this report the hazardous Substances provisions are considered necessary in order to address specific resource management issues, not otherwise addressed by HSNO. The provisions have sought to avoid duplication of the controls set through HSNO, but some duplication is inevitable.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA sets out the Council’s obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 Report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making its decision on the Plan Change. Section 6 of this report includes my evaluation of the Proposed District Plan Provisions in accordance with Section 32AA.

4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents which need to be considered when making a decision on a Proposed District Plan, and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand Coastal Policy Statement. There are no provisions within the New Zealand Coastal Policy Statement of direct relevance to hazardous substances.

4.2.2 National Policy Statements

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements. There are no National Policy Statements of direct relevance to the hazardous substances provisions of the Proposed District Plan.

4.2.3 National Environmental Standards

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard (NES). The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is relevant to the issue of hazardous substances; however, this has been addressed in the Plan through the Contaminated Land provisions. Both the contaminated land and hazardous substances provisions of the Plan are closely related and complement one another.

4.2.4 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an Operative Regional Policy Statement. The hazardous substances section of the RPS is particularly relevant to this issue along with objectives and policies within the built environment and transportation sections.

The Objectives, Policies and Rules of the Proposed District Plan give effect to the provisions of the RPS through the hazardous substances and contaminated land provisions.

The Proposed District Plan seeks to protect the environment and human health and safety from the adverse effects of the manufacture, storage, use, transportation and disposal of hazardous substances. Provisions have also been provided in order to maintain and enhance the environmental quality of the region's built environment and to minimise the adverse effects on natural and physical resources. This has been done by setting maximum limits for the storage of hazardous substances for each of the different zones which have been grouped together according to their characteristics and land use requirements. If the maximum quantities are exceeded resource consent is required which allows the Council to consider all adverse effects, including that on surrounding land uses and sensitive environments such as hazard prone areas.

The relevant RPS provisions are attached as Appendix 3.

4.2.5 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012.

The Proposed RPS is similar to the Operative RPS but includes more specific and focused policies on the issue of hazardous substance. This is consistent with the changes made to the Proposed District Plan which closely aligns with these provisions.

Chapter 12 is of particular relevance to the hazardous substances provisions of the Proposed District Plan and is attached as Appendix 3.

4.2.6 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. There are no regional plans of direct relevance to hazardous substances.

4.2.7 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority.

Ngāi Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauira*. The contamination of soil with hazardous substances is identified in *Te Tangi a Tauira* as a particular issue of concern for Iwi.

The Proposed District Plan has had regard to the matters raised in *Te Tangi a Tauira*. The provisions of the Proposed District Plan seek to protect the environment and human health and from the adverse effects of the manufacture, storage, use, transportation and disposal of hazardous substances. This is consistent with the provisions of *Te Tangi a Tauira*.

4.2.8 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts. Hazardous Substances are managed under a number of Acts and associated regulations, which are administered by various agencies. The main legislation for managing hazardous substances is the HSNO Act. The HSNO Act sets minimum requirements which need to be met in all parts of New Zealand and provides for more site specific controls under the RMA to be imposed where necessary¹. It is noted that the Health and Safety Reform Bill is currently before Parliament. This Bill will result in some changes to the HSNO Act and it is anticipated that it will transfer some responsibilities from the Environmental Protection Agency (EPA) to WorkSafe New Zealand.

Several submitters have raised the necessity of the controls under the District Plan, considering that it is a duplication of process and is inconsistent with HSNO. Where appropriate the District Plan has sought to align its provisions with HSNO, however more stringent controls have been included where it is necessary to respond to a specific resource management issue not otherwise covered by HSNO.

Policy 5 of the Proposed District Plan seeks to recognise the provisions of other legislation to provide congruity between these and the District Plan.

4.3 Summary

It is considered that the purpose and principles of the RMA are met by the hazardous substances provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities. The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents required to be considered have been appropriately addressed in the preparation of provisions relating to hazardous substances.

¹ Section 142 of the HSNO Act

5. ANALYSIS OF SUBMISSIONS

Forty submission points and 26 further submissions were received on the hazardous substances provisions of the Proposed District Plan.

The key concern of the submitters is focused on the overall approach of the Plan in addressing hazardous substances. It is considered by the submitters that the HSNO Act already provides adequate control in managing hazardous substances and that the District Plan provides unnecessary duplication of these controls.

The submissions are summarised in table format, along with recommended responses, in Appendix 1 of this Report.

5.1 HSNO and the RMA

The majority of the submitters are of the view that the Plan duplicates controls under HSNO and consider that the regulation of hazardous substances is best left to the HSNO Act and its associated regulations.

The RMA and HSNO are designed to complement each other, with HSNO providing the overall framework for managing hazardous substance anywhere in New Zealand, and the RMA providing additional controls over and above those available through HSNO. This is to ensure that site specific circumstances can be taken into account and provided for. Both Acts are equally important in the management of hazardous substances to ensure that risks are minimised and adverse effects are avoided.

The type and extent of environmental effects, and risks associated with activities involving hazardous substances, are influenced by their location and management. Where there are high concentrations of people or sensitive locations, the environment is particularly vulnerable to the potential impact of hazardous substances. As HSNO is not site specific, it is the role of the Council to control the manufacture, storage, use, transportation, and disposal of hazardous substances within these areas. These responsibilities include consideration of site specific requirements, surrounding land use activities, reverse sensitivity effects, site security and containment, and an interest in site management and emergency response plans.

Although HSNO requires separation distances for the storage of hazardous substances, these distance are predetermined and do not consider specific surrounding land uses or the environment in which it is located. For example this could result in large quantities of hazardous substances next door to a child care centre or residence, or in a highly populated area such as the CBD, where the impact of an accident has a higher potential for adverse effects on public health and safety. This is a particular concern for mixed zone areas which allow a range of permitted activities.

Special consideration must also be given to locating facilities or containers used to store hazardous substances in natural hazard prone areas, particularly emergency management, as natural forces are unpredictable and can lead to the uncontrolled exposure of hazardous substances in the environment. The potential risks of natural hazards, and how the applicant has addressed these risks, are listed in the Plan as a matter to be considered by the Council as part of the resource consent process.

The maximum limits set out in Appendix VII of the Proposed District Plan are the point at which the Council considers that they need to be involved in a proposal to store hazardous substances. As part of the resource consent process, site specifics, such as surrounding land uses, zone characteristics, amenity values, and natural hazards, will be considered. In some circumstances it may be determined that the storage of large quantities of hazardous substances is not appropriate for a particular site. In other cases it may be that a greater separation distance from a neighbouring property is required from what is specified by HSNO, or that a site management plan is needed which sets out the procedures for how a natural hazard event e.g. flooding, would be managed. The hazardous substance table is a simple and effective way of ensuring that site specifics are assessed and that hazardous substances are managed accordingly. Without this a more complex rule would be required.

Some of the submitters have commented that the approach of the Plan is contrary to the Ministry for the Environment's guidance note on Managing Hazardous Substances². The guidance note supports the move away from the duplication of HSNO provisions in District Plans. While I acknowledge that it may appear to some users of the Plan that there is "unnecessary" duplication, the provisions serve a different purpose to HSNO and play a vital role in the management of hazardous substances. The guidance note has been considered as part of this report but I note that it holds no statutory weight.

Overall I believe that 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 provision with HSNO and avoid any unnecessary duplication. However, in some instances duplication or more stringent controls are necessary in order to address a specific resource management issue not otherwise controlled by HSNO.

Note: I note for the attention of the Hearings Committee SouthPort's submission seeking to extend the Seaport Zone³ to include the area currently identified as the Seaport Sub-Area in the Operative District Planning Maps. This land is subject to natural hazard, particularly tsunami risk and sea level rise. Under the Proposed District Plan the hazardous substances provisions within the Seaport Zone are very permissive. This decision was made on the basis of the proposed zoning, which is smaller in area and is located on more elevated land. In considering SouthPort's submission to rezone the Seaport Zone, consideration should be given to the implications of the storage of hazardous substances on land subject to natural hazard.

² Ministry for the Environment, The New Zealand Planning Institute, Local Government NZ, NZ Institute of Surveyors, Resource Management Law Association of NZ Inc. (2013). *The RMA Quality Planning Resource – Plan Topics Managing Hazardous Substances*. Retrieved from www.qualityplanning.org.nz.

³ Submission Point 24.1(b) Report No.22, heard by the Hearing Committee on 10 November 2014.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the Proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify 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); and
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

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.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if, in its decision, the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Relevant Section 32AA Matters

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.

6.2 Section 32AA Further Evaluation

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.

7. CONCLUDING COMMENTS

The key issue raised by the submitters was in regard to the overall approach of the Proposed District Plan in the management of hazardous substances. It is considered that the Hazardous Substances and New Organisms Act 1996 (HSNO) already provides adequate control in managing hazardous substances and that the District Plan provides unnecessary duplication of these controls.

Overall it is considered that 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 provision with HSNO and avoid any unnecessary duplication. However, in some instances duplication or more stringent controls are necessary in order to address a specific resource management issue not otherwise controlled by HSNO.

APPENDIX 1 – RECOMMENDATIONS ON SUBMISSIONS

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
General		
<p>88.64 Federated Farmers</p>	<p>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>DECISION SOUGHT</p> <p>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; <p>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> <p>FS34.3 ICC - Environmental Health and Compliance Services Oppose submission 71.51</p> <p>The further submitter 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.</p>	<p>Reject</p> <p><i>See discussion under Section 5 of this report.</i></p> <p>The Proposed District Plan has sought to align its provision with HSNO and avoid any unnecessary duplication. However, in some instances an overlay of controls is necessary in order to address a specific resource management issue, not otherwise controlled by HSNO. This overlay takes into account land use zoning, where it is the public's expectation that effects of hazardous substances are managed.</p> <p>To allow the HSNO substance specific controls to manage the site specific elements that a District Plan is required to manage under the RMA, takes no account of sensitive receiving environments, or cross boundary effects especially in relation to zoning boundaries and people's right to be heard.</p> <p>It is acknowledged that there are potential costs for owners who may need consent under these rules, however, these are considered to be outweighed by the benefits of properly managing hazardous substances and reducing the potentially high costs of hazardous substance accidents.</p> <p>Methods 4, 5 and 6 of the Plan address the concerns of the submitter with regard to education, information sharing, good practice guidelines and collaboration.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>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 <p>Hazardous Substances Rules in this Plan set controls specific to <i>our area and requirements</i>.</p>	
<p>105.2 ICC – Environmental Health and Compliance Services</p>	<p>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>DECISION SOUGHT The submitter supports the issues, objectives and policies, and recommends:</p> <ul style="list-style-type: none"> (a) The provision of detailed rules for hazardous substances. (b) The provision of a set of standards for approval of storage, handling areas, disposal, and removal of underground petroleum storage systems and associated impacted soil at Service Stations with specific compliance requirements. (c) In considering resource consents, whether or not to grant consent or impose conditions, the Council must have regard to, but not be limited by this assessment criterion. <p>FS4.21 Federated Farmers - Oppose in part submission 105.2 The further submitter considers that the Council should focus on improving education, information-sharing and good practice guidelines in this area,</p>	<p>Reject</p> <ul style="list-style-type: none"> (a) It is considered that the rules on hazardous substances provided in Section 3.7 of the Plan are sufficiently detailed. (b) 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. 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 considered necessary. (c) 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.

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>rather than developing rules. The further submitter considers that activities that meet the HSNO regulations should be a permitted activity.</p> <p>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 -Oppose submission 105.2 The further submitter considers that the HSNO requirements adequately manage hazardous substances and that a second tier of control in the District Plan would create unnecessary duplication.</p> <p>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>	
SECTION 2.7 HAZARDOUS SUBSTANCES - ISSUES, OBJECTIVES, AND POLICIES		
General		
77.18 Te Runaka o Waihopai and Te Runaka o Awarua	<p>Support this section.</p> <p>DECISION SOUGHT Retain.</p>	<p>Accept (with amendments)</p> <p>Some changes are recommended to the provisions in response to the submissions. The changes are set out in Appendix 2.</p>
Introduction		
18.41 Environment Southland	<p>The submitter believes that the District Plan should acknowledge that the Invercargill City Council and Environment Southland share functions under the Resource Management Act 1991 for the control of the use of land with the purpose of prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances.</p> <p>The submitter also believes that the District Plan should address the Southland local authority responsibilities for managing hazardous substances, as set out in Chapter 12 of the PSRPS 2012.</p>	<p>Accept in part.</p> <p>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.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>DECISION SOUGHT Amend Section 2.7 of the District Plan by inserting the following wording [or similar], as well as any consequential amendments:</p> <p><u>The Invercargill City Council and Environment Southland share functions under the Resource Management Act 1991 for the control of the use of land with the purpose of prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances.</u></p> <p><u>The Proposed Southland Regional Policy Statement 2012 states local authority responsibilities for managing hazardous substances, as follows:</u></p> <ul style="list-style-type: none"> • <u>Environment Southland controls the use of land to manage the effects of hazardous substances in the beds of lakes and rivers and in the coastal marine area.</u> <p><u>The Invercargill City Council controls the use of land to manage the effects of hazardous substances on all other land</u></p> <p>FS7.14 South Port New Zealand Ltd - Oppose in part</p> <p>The further submitter supports the suggested inclusion in part, but considers that the introduction needs to adequately recognise the regulatory role of the EPA and HSNO in managing hazardous substances.</p>	<p>It is agreed that the introduction should acknowledge the shared functions of Environment Southland and the Council under the RMA. As the PRPS is not operative it is appropriate to include this information in more generic terms rather than a direct quote.</p> <p>Recommendation:</p> <p>Add the following to the introduction after paragraph 3.</p> <p><u>The Invercargill City Council and Environment Southland 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.</u></p> <p>The further submitter's comments are addressed below in response to submission point 24.20.</p>
<p>24.20 South Port NZ Ltd and 90.5 HW Richardson Group Ltd</p>	<p>The submitter considers that the introduction does not adequately recognise that Central government agencies (the EPA), regional and territorial authorities all hold similar responsibilities for the control of adverse effects arising from the storage, transport, use and disposal of hazardous substances. The submitter considers that this duplication of roles and legislative requirements has the potential to create inefficiencies and/or uncertainty for resource users and the community. For example the purpose of the HSNO is to protect the environment and human health arising from the adverse effects of hazardous substances and new organisms.</p>	<p>Accept in part</p> <p>As discussed in Section 5 of this report the Council has a role in the management of hazardous substances. It is accepted that 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 EPA in light of the Health and Safety Reform Bill which is currently before Parliament.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>The submitter considers that it needs to be recognised that the RMA only needs to control hazardous substances where a real risk to human health or the environment is likely and is not otherwise managed by the provisions of the HSNO Act for example.</p> <p>DECISION SOUGHT Amend the introduction to ensure that unnecessary duplication between the roles of agencies managing hazardous substances is avoided.</p> <p>FS2.24 NZAS Ltd - Support submissions 24.20 and 90.5 The further submitter considers that it would be helpful to identify the EPA's role.</p> <p>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>DECISION SOUGHT Amend the Introduction to explain the different roles under the RMA and HSNO.</p> <p>FS4.22 Federated Farmers - Support submission 90.5 The further submitter 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>DECISION SOUGHT Not stated.</p>	<p>Recommendation: Amend Introduction as follows:</p> <p><u>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.</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>The Hazardous Substances and New Organisms Act 1996 (HSNO) HSNO and the RMA complement each other. <u>The HSNO legislation provides the framework for developing technical standards for the use, storage, 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 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</u></p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
		<p><u>area. The Council is responsible for managing the effects of hazardous substances on all other land.</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>71.14 NZAS Ltd</p>	<p>Support in part. The submitter seeks a minor amendment to the last paragraph to ensure consistency with the objectives and policies that follow.</p> <p>DECISION SOUGHT Amend the last paragraph of the introduction as follows: “If not managed effectively, the manufacture, storage, use, disposal and transportation of hazardous substances <u>can</u> pose significant threats to the environment and the health and well-being of the community.”</p>	<p>Accept</p> <p>Amend the last paragraph of the introduction as follows: If not managed effectively, the manufacture, storage, use, disposal and transportation of hazardous substances <u>can</u> pose significant threats to the environment and the health and well-being of the community.</p>
<p>2.7.1 Issues</p>		
<p>71.15 NZAS Ltd</p>	<p>The submitter supports Issue 1 in part. The submitter seeks a minor amendment so that the Issue fits with the introductory statement.</p> <p>DECISION SOUGHT Amend Issue 1 as follows: “<u>If not managed appropriately</u> the manufacture, storage, use, disposal and transportation of hazardous substances...”</p> <p>FS4.23 Federated Farmers - Support submission 71.15 The further submitter considers the relief sought in submission 71.15 to be consistent with the introductory statement:</p>	<p>Accept in part</p> <p>The amendment is partly accepted. It is considered that the word “effectively” is more directive than the word “appropriately” and is also consistent with the wording used in the introduction.</p> <p>Amend Issue 1 as follows: “<u>If not managed effectively</u> the manufacture, storage, use, disposal and transportation of hazardous substances ...”</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<i>"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."</i>	
2.7.2 Objectives		
13.1 Z Energy Ltd	The submitter supports Objective 1. DECISION SOUGHT Retain Objective 1 without modification.	Accept
2.7.3 Policies		
13.2 Z Energy Ltd	The submitter supports Policy 1. DECISION SOUGHT Retain Policy 1 and 2 without modification.	Accept in part Minor changes are recommended to Policies 1 and 2 in response to submission points 65.16 and 65.17 below. It is considered that the recommended amendments strengthen the policies.
15.1 Ballance Agri-Nutrients Ltd	The submitter supports Policy 1. DECISION SOUGHT Retain Policy 1 as proposed.	Accept with amendment A minor change to Policy 1 is recommended in response to submission point 65.16 below. It is considered that the recommended amendment strengthens the policy.
65.16 ICC Environmental and Planning Services	The submitter supports Policy 1 in part. The submitter notes that the policy does not refer to the transportation of hazardous substances, but the explanation does DECISION SOUGHT Amend Policy 1 to read: "Ensure that hazardous substances are manufactured, stored, used, <u>transported</u> and disposed of in a manner that avoids, remedies or mitigates adverse effects on the environment"	Accept The transportation of hazardous substances is an important consideration under the RMA. Amend Policy 1 as follows: 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.

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>FS7.15 South Port New Zealand Ltd and FS11.4 HW Richardson Group Ltd - Oppose submissions 65.16</p> <p>The further submitter opposes the inclusion of the term “transported” as it considers it inappropriate to regulate the transportation of hazardous substances through the control of land use consents. The further submitter considers that HSNO more adequately provides for this and that there is no need to duplicate the management functions.</p>	
<p>65.17 ICC Environmental and Planning Services</p>	<p>The submitter supports Policy 2 in part. The submitter notes that the policy does not refer to the transportation of hazardous substances, but the explanation does.</p> <p>DECISION SOUGHT Amend Policy 2 to read: “Ensure that hazardous substances are manufactured, stored, used, <u>transported</u> and disposed of in a manner that avoids adverse effects on public health.”</p> <p>FS7.15 South Port New Zealand Ltd and FS11.4 HW Richardson Group Ltd - Oppose submissions 65.17</p> <p>The further submitter opposes the inclusion of the term “transported” as it considers it inappropriate to regulate the transportation of hazardous substances through the control of land use consents. The further submitter considers that HSNO more adequately provides for this and that there is no need to duplicate the management functions.</p>	<p>Accept</p> <p>The transportation of hazardous substances is an important consideration under the RMA.</p> <p>Amend Policy 2 as follows:</p> <p>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>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>13.3 Z Energy Ltd</p>	<p>Policy 3 Accidents.</p> <p>Once there is an accidental release of hazardous substances, the focus of the policy should be on managing the risks associated with such an incident, rather than on avoiding, remedying or mitigating the effects on the environment per se.</p> <p>DECISION SOUGHT 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 manage the potential for adversely affect effects on the environment. The Council will ...”</p> <p>FS2.25 NZAS Ltd - Support in part submission 13.3 The further submitter agrees that in the event of a spill risks should be appropriately managed, however, also consider that there is an obligation under the RMA to “avoid, remedy or mitigate” adverse effects of a spill.</p> <p>DECISION SOUGHT Amend Policy 3 to recognise the importance of managing risk and also that adverse effects must be avoided, remedied or mitigated.</p>	<p>Accept</p> <p>Policies 1 and 2 seek to ensure that hazardous substances are manufactured, stored, used and disposed of in a manner that avoids, remedies, or mitigates adverse effects on the environment and public health. This will include ensuring that procedures are put in place to avoid the risk of an accident occurring. With regards to Policy 3, it is agreed 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.</p> <p>Amend Policy 3 as follows:</p> <p>Policy 3 Accidents: To establish facilities, systems and procedures which will ensure avoidance, remediation, or mitigation <u>minimise the risk</u> 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 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 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>15.2 Ballance Agri-Nutrients Ltd</p>	<p>The submitter supports Policy 3.</p> <p>DECISION SOUGHT Retain Policy 3 as notified.</p>	<p>Accept in part</p> <p>Changes are recommended to Policy 3 in response to submissions 13.3 and 65.18. The recommended changes will help to clarify the intent of the policy.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>65.18 ICC Environmental and Planning Services</p>	<p>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.</p> <p>DECISION SOUGHT Amend Policy 3 to read: <u>"To collaborate with other organisations t</u>To establish facilities, systems and procedures which will ..."</p> <p>FS2.26 NZAS Ltd - Support submission 65.18</p> <p>The further submitter considers that, given the dual responsibilities for managing hazardous substances, it is appropriate that the policy acknowledges that there will be collaboration with other organisations in establishing facilities, systems and procedures for addressing accidents.</p> <p>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.</p> <p>DECISION SOUGHT Amend Policy 3 as sought by submission 65.18 and set out in the Explanation who the Council will collaborate with.</p>	<p>Accept in part</p> <p>It is agreed that the policy, as notified, is not clear. It is the responsibility of both the applicant and the Council to meet this policy. It is therefore recommended that the policy and explanation is amended to clarify this point.</p> <p>The explanation to the Policy and Method 5 seek to collaborate with other local authorities, industries, and public organisations to develop and implement systems and procedures in the event of accidents involving hazardous substances. This is considered sufficient to address this matter and does not need to form part of the submission. It is not considered appropriate to individually name the specific organisations that the Council will collaborate with, especially given the pending changes proposed to HSNO through the Health and Safety Reform Bill.</p> <p>Amend Policy 3 as follows:</p> <p>Policy 3 Accidents: To <u>require the establishment of</u> facilities, systems and procedures which will <u>ensure avoidance, remediation, or mitigation minimise the risk</u> 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 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 <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>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>13.4 Z Energy Ltd</p>	<p>The submitter opposes Policy 4.</p> <p>The submitter states that it is inappropriate to regulate the transportation of hazardous substances in the District Plan except in a very broad sense. They believe it should be made clear that the safe transportation of hazardous substances and the management of actual or potential effects of the transport of hazardous substances area addressed through other legislation and should not be achieved through controls on individual land use consents. Many transportation routes may need to be determined according to the prevailing conditions of the day.</p> <p>The applicant believes it is wrong to suggest that promoting movement of hazardous substances along main transport routes will protect the environment.</p> <p>DECISION SOUGHT Delete Policy 4 Transportation</p> <p>FS9.3 Ballance Agri-Nutrients Ltd Support in part submission 13.4</p> <p>The further submitter supports the underlying concerns raised in the submission and notes that there are relevant Fertiliser Group Standards that it operates in accordance with.</p> <p>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 be amended to acknowledge that the transportation of hazardous substances be undertaken with industry best practice and relevant HSNO provisions.</p>	<p>Reject</p> <p>The transportation of hazardous substances has the potential to adversely affect people and the natural and physical environment, particularly in the event of an accident or leak.</p> <p>The Council has a specific 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.</p> <p>The effects of transporting hazardous substances are intrinsically tied to the transportation network and the sensitivity of the receiving environment through which they pass. Encouraging transportation of hazardous substances to be undertaken in a safe manner by modes and transport routes which avoids more sensitive environments helps to prevent or minimise the risk of adverse effects on residences, the natural and physical environment and on other transport users.</p> <p>This Policy is applied by the District Plan in a very broad sense. Consideration was given to hazardous substances in the zoning of the District Plan. Heavy Industrial zones have been co-located with heavy transport routes and key transportation networks. This will encourage the transportation of hazardous substances on routes that avoid more sensitive environments.</p> <p>This Policy is important to meet the Council's function under Section 31 of the RMA and is consistent with Southland's RPS and Proposed RPS.</p> <p>With regard to the further submitter's comments, Policy 5 recognises the provisions of other legislation and Policy 6 seeks to improve the knowledge of hazardous substances, including its transportation. Method 6 supports these policies by seeking to develop and disseminate information on good practice in storing, handling and using hazardous substances. It is considered that these provisions are sufficient to meet the further submitter's concerns, but I suggest some minor amendments</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>DECISION SOUGHT 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>to Policy 5 and Method 6 so as to specifically recognise the transportation of hazardous substances.</p> <p>Amend Policy 5 as follows:</p> <p>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, <u>transportation</u> and disposal of hazardous substances.</p> <p>Amend Method 6 as follows:</p> <p>Method 6: Develop and disseminate information on good practice in storing, handling, <u>transporting</u> and using hazardous substances.</p>
<p>13.5 Z Energy Ltd</p>	<p>The submitter supports Policies 5 and 6, commenting that they are appropriately risk based.</p> <p>DECISION SOUGHT Retain Policy 5 and Policy 6 without modification.</p>	<p>Accept in part</p> <p>An amendment is sought to Policy 5 in response to submission point 13.4. The change is minor and will not change the intent of the policy.</p>
<p>15.3 Ballance Agri-Nutrients Ltd</p>	<p>The submitter supports Policy 5.</p> <p>The submitter is particularly supportive of the policy 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).</p> <p>DECISION SOUGHT Retain Policy 5 as notified.</p>	<p>Accept in part</p> <p>An amendment is sought to Policy 5 in response to submission point 13.4. The change is minor and will not change the intent of the policy.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>24.21 South Port NZ Ltd and 90.6 H W Richardson Group Ltd</p>	<p>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.</p> <p>DECISION SOUGHT Amend the policy as follows:</p> <p><u>“To recognise the provisions of other legislation ... and disposal of hazardous substances and to avoid the unnecessary duplication of the regulatory control of such substances.”</u></p> <p>FS4.24 Federated Farmers - Support submission 24.21 The further submitter considers 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 - Support submissions 24.21 and 90.6 The further submitter opposes the duplication of the HSNO requirements.</p> <p>DECISION SOUGHT Amend Policy 5 as sought by submissions 24.21 and 90.6.</p>	<p>Reject</p> <p>The changes suggested by the submitter will only encourage debate over an issue that has already been considered in the development of the Plan.</p> <p>As discussed in Section 5 of this report, where appropriate the District Plan has sought to align the provisions with the HSNO Act and avoid any unnecessary duplication. While I acknowledge that it may appear to some users of the Plan that there is “unnecessary” duplication, the provisions serve a different purpose to HSNO.</p>
<p>52.1 NZ Police</p>	<p>The submitter supports Policy 5. They note that the hazardous substances rules are more restrictive on above ground storage of fuel than is supported by this policy.</p> <p>DECISION SOUGHT Retain Policy 5.</p>	<p>Accept</p> <p>The submitter raises an important point that congruity between legislation cannot always be achieved. The Council can impose more stringent controls than HSNO where it is considered necessary to respond to a resource management issue.</p> <p>Amend Explanation to Policy 5 as follows:</p> <p>Explanation: <i>Where possible There needs to be congruity between legislation passed at Central Government level, and regional and district plans.</i></p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>102.1 Chorus NZ Ltd and 104.1 Telecom NZ Ltd</p>	<p>The submitter supports Policy 5.</p> <p>They note 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>DECISION SOUGHT Retain Policy 5, but modify rules to reflect this policy in the rules section.</p>	<p>Accept in Part</p> <p>For the same reasons as set out above in submission point 52.1 above.</p>
New Policy		
<p>18.42 Environment Southland</p>	<p>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>DECISION SOUGHT 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 - Support in part submission 18.42</p> <p>The further submitter opposes the duplication of the HSNO Act scheme.</p> <p>The further submitter supports collaboration between stakeholders in the management of hazardous substances and considers that this collaboration should mean that the risks associated with hazardous substances are controlled by the appropriate agency.</p>	<p>Accept</p> <p>Working collaboratively with central government, Environment Southland and landowners will help ensure hazardous substances are managed appropriately and that risks are minimised. This, amongst other benefits, will help avoid any unnecessary duplication of controls.</p> <p>Add new policy as follows:</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><u>Explanation - Working collaboratively with central government, Environment Southland and landowners will help ensure hazardous substances are managed appropriately, risks are minimised, and unnecessary duplication of legislative controls is avoided.</u></p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>DECISION SOUGHT 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 - Support submission 18.42 The further submitter considers that 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>	
2.7.4 Methods of Implementation		
<p>71.16 NZAS Ltd</p>	<p>The submitter opposes Method 1.</p> <p>They consider that the regime of the HSNO Act 1996 and its regulations appropriately regulate hazardous substances.</p> <p>DECISION SOUGHT Delete Method 1.</p> <p>FS24.18 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - Support in part submissions 71.16</p> <p>The further submitter considers that the submission is consistent with recent MfE guidance that supports a move away from the duplication of HSNO provisions in district plans.</p> <p>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.</p> <p>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</p>	<p>Reject</p> <p>For the same reasons as set out in submission point 88.64 and Section 5 of this report.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>recognise and take into account the fact that the terminal exists and remains functionally part of the Port.</p> <p>FS25.6 Transpower NZ Ltd - Oppose submission 71.15 The further submitter considers that 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.</p> <p>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>117.7 Southern District Health Board</p>	<p>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 SOUGHT Support Method 6.</p>	<p>Accept</p>
<p>ZONE SPECIFIC POLICIES</p>		
<p>2.19 Airport Operations Zone</p>		
<p>103.30 Invercargill Airport Ltd</p>	<p>The submitter supports Policy 6 Hazardous Substances.</p> <p>They submitter considers that it is appropriate to recognise that aviation activities require the storage and use of large quantities of hazardous substances.</p> <p>DECISION SOUGHT Retain Policy 6.</p>	<p>Accept</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
2.20 Airport Protection Zone		
103.53 Invercargill Airport Ltd	<p>The submitter opposes in part Policy 14 Hazardous Substances.</p> <p>They consider that 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.</p> <p>DECISION SOUGHT Delete Policy 14.</p>	<p>Reject</p> <p>This policy is enforced through the controls provided in Appendix VII of the District Plan. Moderate use of hazardous substances is allowed for in this zone but excessive amounts of hazardous substances need to be controlled in order to ensure public safety. The limits provided in Appendix VII set the level at which the Council feel they need to become involved in order to ensure public safety and environmental protection. It is noted, however, that this policy differs from the policies provided for the other Group 4 zones, being the Rural 1 and 2 Zones. As the rules are the same for these zones it is considered that the policy should be amended to so that it is consistent with the Rural 1 and 2 Zones.</p> <p>Recommendation: Amend Policy 14 as follows:</p> <p>Policy 14 Hazardous substances: To protect the public from the effects of storage and use of excessive amounts of hazardous substances. <u>To provide for the opportunity to store and use 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>
2.31 Industrial 2 Zone		
15.10 Ballance Agri-Nutrients Ltd	<p>The submitter supports 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.</p> <p>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 three objectives for the Industrial 2 Zone.</p> <p>DECISION SOUGHT That Policy 8 – Hazardous Substances, be adopted as notified.</p>	<p>Accept</p> <p>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. Industrial 2 Policy 8 sets the direction as to what is appropriate in terms of manufacture, storage and use of hazardous substances specific to the Industrial 2 Zone. Both policies serve a different purpose.</p> <p>By providing for activities that utilise significant quantities of hazardous</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
		substances to co-locate within the Industrial 2 Zone, will help protect more sensitive built up areas. This supports Objective 2 of the Industrial 2 Zone.
2.32 Industrial 3 Zone		
15.16 Ballance Agri-Nutrients Ltd	<p>The submitter supports Policy 9 Hazardous Substances.</p> <p>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 of the three objectives for the Industrial 2 Zone.</p> <p>DECISION SOUGHT Retain Policy 9 – Hazardous Substances as proposed.</p>	<p>Accept</p> <p>By providing for activities that utilise significant quantities of hazardous substances to co-locate within the Industrial 3 Zone will help protect more sensitive built up areas. This supports Objectives 1 and 2.</p>
2.40 Rural 1 Zone		
15.23 Ballance Agri-Nutrients Ltd	<p>Supports in part Policy 18 Hazardous Substances</p> <p>The submitter considers that Policy 18 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 Zone 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>DECISION SOUGHT</p> <p>i. That Rural 1 Zone - Policy 18 – Hazardous Substances, be amended and adopted as follows:</p> <p>“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</p>	<p>Reject</p> <p>The wording is notified is considered appropriate at policy level. The detail as to what is considered to be “moderate” is set out in the Rule Section of the Plan (Rule 3.7) and Appendix VII, which sets out the permitted thresholds.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p><u>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. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>	
88.49 Federated Farmers	<p>Supports Policy 18 Hazardous Substances.</p> <p>DECISION SOUGHT Adopt the Policy as proposed.</p>	Accept
2.41 Rural 2 Zone		
15.24 Ballance Agri-Nutrients Ltd	<p>Supports in part Policy 17 Hazardous Substances.</p> <p>The submitter considers that Policy 17 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 2 Zone.</p> <p>The submitter further considers that fertiliser storage and use within the Rural 2 Zone 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>DECISION SOUGHT</p> <p>i. Amend Policy 17 – Hazardous Substances as follows:</p> <p>“ 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</p>	<p>Reject</p> <p>For the same reasons as set out above in submission point 15.23.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>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."</p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>	
<p>88.54 Federated Farmers</p>	<p>Supports Policy 17 Hazardous Substances.</p> <p>DECISION SOUGHT Adopt the Policy as proposed.</p>	<p>Accept</p>
<p>SECTION 3.7 RULES</p>		
<p>87.45 Transpower NZ Ltd</p>	<p>Support Rules 3.7.1 and 3.7.2.</p> <p>DECISION SOUGHT Retain Rules 3.7.1 and 3.7.2 as notified.</p>	<p>Accept (with amendments) Some minor changes have been made in response to submission points 88.79 and 24.61. The changes do not alter the intent of the rules.</p>
<p>71.51 NZAS Ltd</p>	<p>Oppose Rule 3.7.1.</p> <p>The submitter considers that the regulation of hazardous substances is best left to the HSNO Act and its associated regulations.</p> <p>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.</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.</p>	<p>Reject</p> <p>See discussion in Section 5 of this report and submission point 88.64.</p> <p>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.</p> <p>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>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>DECISION SOUGHT Replace 3.7.1 with the following: <u>“ If an activity complies with the requirements below, it is a permitted activity:</u></p> <p>(a) <u>The activity complies with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO), and its associated regulations; and</u></p> <p>(b) <u>A valid Hazardous Substance Location Certificate as required by HSNO is held; and</u></p> <p>(c) <u>The name and address of the Test Certifier issuing certificates under the HSNO regime (includes Hazardous Substance Location Certificates and various design certificates) is provided to the Council; and</u></p> <p><u>Copies of all Hazardous Substance Location Certificates are provided to the Council.”</u></p> <p>FS24.18 Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - Support in part submissions 71.51.</p> <p>The further submitter considers that the submission is consistent with recent MfE guidance that supports a move away from the duplication of HSNO provisions in district plans.</p> <p>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.</p> <p>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>The Health and Safety Reform appears to be placing a greater emphasis on work safe controls and therefore it is important that the District Plan regulates hazardous substances, taking into account site specifics and potential environmental effects.</p> <p>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.</p> <p>Although it is acknowledged that the Smelter Zone requires moderate quantities of hazardous substances, it does not have the same function as the Seaport Zone. The quantities provided in Appendix VII are considered appropriate for the Smelter Zone and any application to exceed these quantities will need to be considered on a case by case basis, taking into account the sensitive nature of the site.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>FS11.5 HW Richardson Group Ltd - Support in part submission 71.51 The further submitter supports this submission insofar as it seeks to avoid duplication between the roles of agencies managing hazardous substances.</p> <p>FS34.2 ICC - Environmental Health and Compliance Services - Oppose submission 71.51 The further submitter 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.</p> <p>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>88.79 Federated Farmers</p>	<p>Support in part Rule 3.7.1.</p> <p>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.</p> <p>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</p>	<p>Accept</p> <p>The latest version of the Practice Guide referred to in Rule 3.7.1B should be referenced. Fertiliser (Toxic) Group Standard HSR002572 was left in error. The rule should be amended in accordance with the decision sought.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>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>DECISION SOUGHT Adopt the permitted activities rule along with the minor amendments proposed below:</p> <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 <u>January 2012 EPA 0135</u>.”</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"> Fertiliser (Corrosive) Group Standard HSR002569. Fertiliser (Oxidising) Group Standard HSR002570. Fertiliser (Subsidiary Hazard) Group Standard HSR002571. <u>Fertiliser (Toxic) Group Standard HSR002572 and</u> FertResearch’s Code of Practice for Nutrient Management 2007.” 	<p>Amend Rule 3.7.1 as follows:</p> <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 <u>January 2012 EPA 0135</u>.”</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"> Fertiliser (Corrosive) Group Standard HSR002569. Fertiliser (Oxidising) Group Standard HSR002570. Fertiliser (Subsidiary Hazard) Group Standard HSR002571. <u>Fertiliser (Toxic) Group Standard HSR002572 and</u> FertResearch’s Code of Practice for Nutrient Management 2007.”
<p>65.91 ICC Environ- mental and Planning Services</p>	<p>Support in part Rule 3.7.1(B).</p> <p>The submitter notes that there is a more up-to-date version of the EPA’s Approved Practice Guide for Above Ground Fuel Storage on Farms.</p> <p>DECISION SOUGHT Change reference to the: “Environmental Protection Agency’s Approved Practice Guide for Above Ground Fuel Storage on Farms, <u>2012</u> 2010.”</p>	<p>See submission point 88.79, above.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>15.26 Ballance Agri-Nutrients Ltd</p>	<p>Support Rule 3.7.1(C) in part.</p> <p>The submitter is supportive of the general intent of the rules to provide a permitted activity status for the use and storage of fertiliser in certain zones when carried out in accordance with the Fertiliser Group Standards of the HSNO Act, but is concerned that Rule 3.7.1(C) does not include the “Fertiliser (Toxic) Group Standard HSR002572”.</p> <p>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.</p> <p>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>DECISION SOUGHT</p> <p>i. That Hazardous Substances Rule 3.7.1(C) be amended and adopted as follows: “The storage and use of fertiliser within the Group 4: Rural 1, Rural 2 and Airport Protection Zones in accordance with the: (a) Fertiliser (Corrosive) Group Standard HSR002569; and (b) Fertiliser (Oxidising) Group Standard HSR002570; and (c) Fertiliser (Subsidiary Hazard) Group Standard HSR002571; and (d) <u>Fertiliser (Toxic) Group Standard HSR002572</u>; and (e) FertResearch’s Code of Practice for Nutrient Management 2007.”</p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>	<p>Accept</p> <p>For the same reasons as set out above in submission point 88.79.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>24.61 South Port NZ Ltd</p>	<p>Support Rule 3.7.1 in part.</p> <p>The submitter supports Rule 3.7.1(F) which avoids unnecessary duplication in regulatory control with respect to such matters.</p> <p>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.</p> <p>DECISION SOUGHT Amend clause (C) to include the storage of fertiliser within the Seaport Zone.</p> <p>Retain clause (F).</p> <p>FS9.4 Ballance Agri-Nutrients Ltd - Support submission 24.61</p> <p>The further submitter considers that it is critical that the Port have the ability to handle fertiliser products.</p> <p>The further submitter 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>DECISION SOUGHT Amend the provisions, subject to the relief sought in submission 15.26.</p>	<p>Accept</p> <p>(C) The storage and use of fertiliser within the Group 4: Rural 1, Rural 2 and Airport Protection Zones <u>and Group 6: Seaport Zone</u>, in accordance with the:</p> <ul 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 and</u> (e) FertResearch's Code of Practice for Nutrient Management 2007." <p>See submission point 88.79 for reasons for changes to points (d) and (e).</p>
<p>91.17 PowerNet Ltd</p>	<p>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.</p> <p>DECISION SOUGHT Retain 3.7.1.</p>	<p>Accept</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>13.7 Z Energy Ltd</p>	<p>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.</p> <p>DECISION SOUGHT Amend 3.7.1(G) by adding the following:</p> <p><u>“(ii) The storage of HSNO class 2.1.1A LPG in single or multiple vessel storage tanks.”</u></p>	<p>Reject</p> <p>The Plan allows for the storage of up to 300kg of LPG in cylinders. This provides for the “swap and go” services involving the filling and selling of gas bottles at service stations.</p> <p>The 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 these tanks are therefore very important in considering the effects, and in determining whether or not the activity is appropriate for a specific site. The Council want to be involved in all installations of single or multi vessel LPG tanks so that these specifics and environmental effects can be assessed. It will also provide parties who may be potentially affected by the proposal to be involved in this process.</p>
<p>102.11 Chorus NZ Ltd and 104.11 Telecom NZ Ltd</p>	<p>The submitter supports Rule 3.7.1(G) which permits any volume of storage in underground tanks.</p> <p>The submitter opposes Rule 3.7.1(H) on the grounds that the volume limits for above ground storage of diesel are too onerous.</p> <p>DECISION SOUGHT Retain 3.7.1(G).</p> <p>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>FS7.16 South Port New Zealand Ltd - Support submissions 102.11 and 104.11</p> <p>The further submitter supports 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>Reject</p> <p>Appendix VII allows for up to 10,000 of above ground storage of diesel and petroleum fuel oils in certified super vault tanks.</p> <p>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. Although it may appear to be onerous to the applicant, it is addressing different aspects of the proposal not otherwise covered by HSNO and will ultimately benefit the wider community.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>52.7 NZ Police</p>	<p>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>DECISION SOUGHT 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 - Support submissions 52.7 The further submitter supports 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>Reject</p> <p>For the same reasons as set above in submission point 102.11.</p>
<p>71.52 NZAS Ltd</p>	<p>Oppose Rules 3.7.2 and 3.7.3.</p> <p>The submitter considers that the regulation of Hazardous substances is best left to the HSNO Act and its associated regulations.</p> <p>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.</p> <p>DECISION SOUGHT 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 submissions 71.52</p> <p>The further submitter considers that the submission is consistent with recent MFE guidance that supports a move away from the duplication of HSNO provisions in district plans.</p>	<p>Reject</p> <p>For the same reasons as set out in Submission Point 88.4 and Section 5 of this report.</p> <p>The Health and Safety Reform appears to be moving towards more work safe controls rather than environmental controls. It is therefore important that the District Plan regulates hazardous substances, taking into account site specifics and potential environmental effects in accordance with their function under the RMA.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>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.</p> <p>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>FS7.17 South Port New Zealand Ltd - Support submission 71.52 The further submitter agrees that HSNO adequately manages the adverse effects of hazardous substances. The further submitter believes that unnecessary duplication of roles should therefore be avoided.</p> <p>FS11.6 HW Richardson Group Ltd - Support submission 71.52 The further submitter supports the avoidance of duplication between the roles of the agencies managing hazardous substances.</p>	
<p>88.80 Federated Farmers</p>	<p>Oppose Rule 3.7.2 in part. The submitter believes that the activity status as proposed is overly onerous and that a provision for controlled activity status activities is more appropriate, with Council restricting the exercise of its control to considering specified matters, which can adequately address the risks associated in this area.</p> <p>DECISION SOUGHT 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>Reject</p> <p>Under Section 104A of the RMA, the Council must grant resource consent for a controlled activity but may impose conditions. The storage, use, transportation and disposal of hazardous substances have the potential to create significant adverse effects and therefore it may not always be appropriate to grant resource consent. For example, the storage of large quantities of hazardous substances in a residential zone, in an area subject to natural hazard, or in an area of high cultural significance.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
SECTION FOUR DEFINITIONS		
Hazardous Substances definition		
<p>13.6 Z Energy Ltd</p>	<p>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 submitter states that the reference to the “waste generated by the use of a hazardous substance” is unnecessary, although the submitter is not opposed in principle.</p> <p>The submitter identified 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 notes the requirement to meet the Hazardous Substance (Minimum Degrees of Hazard) Regulations 2001 and believes that the reference to these regulations aids interpretation of the definition.</p> <p>DECISION SOUGHT Retain the definition with one exception, which is to delete the comma after “waste” from subsection (B) of the definition.</p>	<p>Accept Amend the definition of Hazardous Substance as follows:</p> <p>Hazardous Substance: Means (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>65.119 ICC Environmental and Planning Services</p>	<p>Support subject to amendment of drafting error. The submitter notes there is no date after the reference to the regulation.</p> <p>DECISION SOUGHT Amend reference to “Hazardous Substance (Minimum Degrees of Hazard) Regulations 2001”.</p>	<p>Accept Amend the definition of Hazardous Substance as follows:</p> <p>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 <u>2001</u>:</p>
<p>90.30 H W Richardson Group Ltd</p>	<p>Support. The submitter supports the definition as defined under the Hazardous Substances and New Organisms Act 1996.</p> <p>DECISION SOUGHT Retain definition of Hazardous Substances.</p>	<p>Accept (with amendment) Minor drafting errors have been corrected in response to the above submission points 13.6 and 65.119.</p>

APPENDIX 2 – RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(Underline indicates recommended additions, strikethrough indicates recommended deletions.)

SECTION TWO ISSUES, OBJECTIVES AND POLICIES

2.7 HAZARDOUS SUBSTANCES

The manufacture, storage, use, disposal and transportation of hazardous substances are 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 can 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 legislation provides the framework for developing technical standards for the use, storage, 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.

~~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 is:

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

2.7.2 Objectives

Objective 1: No change

2.7.3 Policies

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

***Explanation:** No change*

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

***Explanation:** No change.*

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.

***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.*

Policy 4 Transportation: No change

***Explanation:** No change*

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

Explanation: Where possible ~~There~~ needs to be congruity between legislation passed at Central Government level, and regional and district plans.

Policy 6 Knowledge: To improve knowledge of hazardous substance manufacture, storage, use, transportation and disposal

Explanation: *There are a wide range of activities within the District that utilise, store, transport and dispose of hazardous substances. It is therefore important for the Council to have an understanding of the nature, quantities and location of these activities for emergency management, as well as for monitoring to ensure the protection of public and environmental health and safety. The community and users of hazardous substances would also benefit from improved knowledge.*

Policy 7 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.

Explanation - Working collaboratively with central government, environment southland and landowners will help ensure hazardous substances are managed appropriately, risks are minimised, and unnecessary duplication of legislative controls are avoided

2.7.3 Methods of Implementation

Method 1 Rules specifying maxima for quantities on-site of hazardous substances.

Method 2 Rules to ensure that appropriate activities are grouped in each zone, using hazardous substances as one criterion.

Method 3 Zoning to locate users of hazardous substances in the vicinity of transport routes for heavy vehicles.

Method 4 Initiate environmental advocacy on:

(A) Good practice for manufacture, transportation, storage and use of hazardous substances.

(B) Location and design of associated facilities.

(C) Development of transport modes and routes to minimise risk from hazardous substances.

Method 5 Collaborate with other local authorities, industries and public organisations to develop and implement systems and procedures in the event of accidents involving hazardous substances.

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

Method 7 Recording relevant hazardous substances information on the Council's property files.

ZONE SPECIFIC POLICIES

2.19 AIRPORT OPERATIONS ZONE

Policy 6 Hazardous substances (Pages 2-69): To provide the opportunity to store and use large quantities of hazardous substances associated with aircraft operations.

***Explanation:** Aviation related activities need to be located in close proximity to large quantities of fuel. The opportunity for use and storage of large quantities of hazardous substances is essential to the efficient operation of the airport. However, controls are required to ensure the effects of the use and storage of hazardous substances are managed safely.*

2.20 AIRPORT PROTECTION ZONE

Policy 14 Hazardous substances (Pages 2-73): ~~To protect the public from the effects of storage and use of excessive amounts of hazardous substances.~~ To provide for the opportunity to store and use moderate amounts of hazardous substances, whilst protecting the public from the effects of the storage and use of excessive amounts of hazardous substances.

***Explanation:** No change*

2.22 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

Policy 13 Hazardous Substances (Pages 2-81): No change

***Explanation:** No change*

2.23 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

Policy 11 Hazardous Substances (Pages 2-88): No change

***Explanation:** No change*

2.24 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

Policy 12 Hazardous Substances (Pages 2-94): No change

***Explanation:** No change*

2.25 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

Policy 9 Hazardous Substances (Pages 2-98): No change

***Explanation:** No change*

2.26 BUSINESS 5 (RURAL SERVICE) ZONE

Policy 10 Hazardous Substances (Pages 2-102): No change

Explanation: No change

2.27 HOSPITAL ZONE

Policy 14 Hazardous Substances (Pages 2-107): No change

Explanation: No change

2.29 INDUSTRIAL 1 (LIGHT) ZONE

Policy 11 Hazardous Substances (Pages 2-112): - No change

Explanation: No change

2.30 INDUSTRIAL 1A (MARINE) ZONE

Policy 11 Hazardous Substances (Pages 2-112): - No change

Explanation: No change

2.31 INDUSTRIAL 2 (URBAN) ZONE

Policy 8 Hazardous Substances (Pages 2-119): No change

Explanation: No change.

2.32 INDUSTRIAL 3 (LARGE) ZONE

Policy 9 Hazardous Substances (Page 124): No change

Explanation: No change

2.33 INDUSTRIAL 4 (AWARUA) ZONE

Policy 9 Hazardous Substances (Page 124): No change

Explanation: No change

2.34 OTATARA ZONE

Policy 14 Hazardous substances (Pages 2-136): No change

Explanation: No change

2.36 RESIDENTIAL 1 ZONE

Policy 19 Hazardous substances (Pages 2-147): No change

Explanation: No change

2.38 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

Policy 19 Hazardous substances (Pages 2-147): No change

Explanation: No change

2.39 RESIDENTIAL 3 (LARGE LOT) ZONE

Policy 19 Hazardous substances (Pages 2-161): No change

Explanation: No change

2.40 RURAL 1 ZONE

Policy 18 Hazardous Substances (Pages 2-167): No change

Explanation: No change

2.41 RURAL 2 (RURAL TRANSITION) ZONE

Policy 17 Hazardous Substances(Pages 2-172): No change

Explanation: No change

2.42 SEAPORT ZONE

Policy 8 Hazardous Substances: No change

Explanation: No change

2.43 SMELTER ZONE

Policy 9 Hazardous substances (Pages 2-179): No change

Explanation: No change

SECTION THREE DISTRICT WIDE RULES

3.7 HAZARDOUS SUBSTANCES (PAGES 3 -7)

3.7.1 The following activities are permitted activities:

- (A) The storage and use of agrichemicals on farms over four hectares, in accordance with NZS 8409: 2004 Management of Agrichemicals.
- (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
- (C) The storage and use of fertiliser within the Group 4: Rural 1, Rural 2 and Airport Protection Zones and Group 6: Seaport 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
 - (d e) ~~FertResearch's~~ Code of Practice for Nutrient Management 2007
- (D) The storage and use of transformer cooling oils in electricity transformers.
- (E) The transit and two hour storage maximum of tracked hazardous substances, and the transit and 72 hour storage maximum of non-tracked hazardous substances within the Smelter, Seaport and Industrial 2, Industrial 3 and Industrial 4 zones. Where this involves the transit and storage of anhydrous ammonia and chlorine gas, an emergency management plan must be supplied to the Council in advance.
- (F) The storage of hazardous substances (excluding fixed installations) within the Seaport Zone with either a Hazardous Substance Location Certificate or Transit Depot Certificate issued pursuant to the Hazardous Substances (Classes 1 to 5) Regulations 2001 and for Classes 6, 8, 9 in compliance with the Hazardous Substances and New Organisms Act 1996.
- (G) The storage of sub-class 3.1A-D liquid petroleum fuels (as listed in Schedules 1 to 6 of the Hazardous Substances (Classification) Regulations 2001) in underground storage.
- (H) Unless provided for by Rules 3.7.1 (A) - (G) above, the manufacture, storage, use and management of hazardous substances not exceeding the quantity limits and other requirements stipulated in Appendix VII Hazardous Substances.

3.7.2 It is a discretionary activity to store, use and/or manage hazardous substances other than as provided for by Rule 3.7.1 above.

3.7.3 Applications under Rule 3.7.2 shall address the following matters, which will be among those taken into account by Council:

- (A) The site management plan and emergency response plan.
- (B) The nature and size of the development or activity.
- (C) The nature of the hazardous substance.
- (D) Ability to comply with the HSNO Act 1996.
- (E) Location of the site or sub-facility with respect to population, services, schools, emergency services, hospitals and arterial routes.
- (F) Location and design of storage tanks and associated containment areas.
- (G) Ability to transport the hazardous substance to, and from the facility in a safe and secure manner.
- (H) Consequences to people, infrastructure and the environment of any failure, escape or activation of the hazardous substance and any emergency management plan.
- (I) The cumulative effects on people, infrastructure and the environment arising from storing, using and managing hazardous substances.
- (J) Consideration of alternative locations and methods of disposing of, storing, or using hazardous substances.
- (K) Whether mitigation measures are appropriate, reliable and able to be adequately monitored.
- (L) Drainage of the area.
- (M) The long term performance and management requirements of protective or mitigation measures.
- (N) The potential risks of natural hazards on the site and how the applicant has addressed matters relating to natural hazards which may affect the suitability of the site for the proposed activity.
- (O) Industry codes of practice and other procedures which may be used to assess activities involving hazardous substances.

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 2001:
 - (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.

Non-Tracked Hazardous Substance: As defined by Hazardous Substances (Tracking) Regulations 2001.

Tracked Hazardous Substance: As defined by Hazardous Substances (Tracking) Regulations 2001.

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APPENDIX 3 - REGIONAL POLICY STATEMENT PROVISIONS

1. OPERATIVE RPS

5.17 HAZARDOUS SUBSTANCES

5.17.3 OBJECTIVE

Objective 17.1

To safeguard the environment from the adverse effects from the existing and past storage, use, disposal or transportation of hazardous substances.

5.17.4 POLICIES

Policy 17.1

Promote the co-ordination of hazardous substances management between national, regional and territorial authorities.

Policy 17.2

Ensure that present and future sites used for the disposal of, or contaminated by hazardous substances do not pose additional or ongoing risks to people or the environment.

Policy 17.3

Preparation and implementation of a hazardous substances manifest system for the Southland Region.

Policy 17.4

Encourage reduction in the use of hazardous substances.

Policy 17.5

Minimise the adverse effects on the environment from the storage, use, discharge, transportation and disposal of hazardous substances.

2. PROPOSED RPS

Objective HAZ.1 – Protection of the environment and health

Protection of the environment and human health and safety, from the adverse effects of the storage, use, transportation and disposal of hazardous substances.

Policy HAZ.1 - Hazardous substance storage facilities and containers

Ensure facilities and containers used to store hazardous substances are located, designed, constructed and managed to avoid, remedy or mitigate adverse effects, including unacceptable risks, to the environment and human health.

Policy HAZ.2 – Accidents involving hazardous substances

Provide appropriate facilities and systems to avoid, remedy or mitigate the contamination of soil, water, and air in the event of accidents involving hazardous substances.

Policy HAZ.3 – Transportation of hazardous substances

Encourage transportation of hazardous substances to be undertaken in a safe manner, by modes and transport routes which prevent or minimise the risk of adverse effects on residents, on the natural and physical environment, and on other transport users.

Policy HAZ. 4 – Disposal of hazardous substances

Ensure the disposal of hazardous substances is undertaken in an environmentally safe manner at authorised facilities to avoid the risk of hazardous substances escaping into the environment, thereby creating adverse environmental effects.

Policy HAZ.5 – Alternatives to hazardous substances

Promote the use of alternatives to hazardous substances where this is efficient and cost-effective to do so and encourage greater levels of re-use, recovery and recycling of hazardous substances.

Policy HAZ.6 – Improve knowledge

Improve knowledge in Southland of hazardous substance storage, use, transportation and disposal.

Policy HAZ.7 – New contaminated land

Avoid the creation of new contaminated land in Southland.