

## Chapter: HS – Hazardous Substances

Feed-back No.	Section	Sub-section	Plan Provision	Feedback	Relief sought
<a href="#">87.11</a>	HS – Hazardous substances	General		<p>Oppose</p> <p>It is unclear from the draft provisions what exactly is meant by ‘residual risk’.</p> <p>██████████ consider that in the absence of clear guidance from the Council on the risks that are trying to be managed, the plethora of regulation and legislation that applies to the use, storage and management of hazardous substances outside of the RMA (which ██████████ is required to comply with), and considering the rural and relatively isolated location of the ██████████ ██████████ site, that these rules do not need to apply to the ██████████</p>	Do not see reason for the chapter and rules
<a href="#">93.18</a>	HS – Hazardous substances	General		<p>██████████ also oppose any duplication that may arise between district plan controls and matters controlled by other legislation i.e. HASNO.</p>	
<a href="#">143.36</a>	HS – Hazardous substances	General		<p><i>Hazardous Substances</i></p> <p><i>Provides framework for managing existing significant hazardous facilities, and allowing new facilities, whilst acknowledging HSNO obligations.</i></p>	No comment
<a href="#">158.23</a>	HS – Hazardous substances	General		<p>1. <i>The Port and adjoining area contains bulk fuel storage facilities that fall within the definition of a Significant Hazardous Facility. Further facilities may be required in the future, or existing facilities may seek to expand. It is accepted that resource consent may reasonably be required for such activities, but under HS-R2 and HS-R3 such activities would be a non-complying activity due to the large majority of the Port and associated areas being located in a Sensitive Environment. Bulk fuel and chemical storage is a necessary and common facility at the Port, as is the case in Ports throughout the country. The activity status is unnecessarily onerous, a discretionary activity or restricted discretionary status would be more appropriate in the Port area. Related to that point, we are concerned that it would not be possible to remove all residual environmental risk from the bulk fuel storage facilities in the Coastal Environment (Objective HS-02) and Policy HS-P3 cannot be achieved. There needs to be explicit acknowledgement of the role and functional necessity of bulk storage in the Port area.</i></p>	

<p><a href="#">159.6</a></p>	<p>HS – Hazardous substances</p>	<p>General</p>	<p><i>Hazardous Substances The draft District Plan objectives, policies and rules place restrictions and limits on the storage and use of hazardous substances that will create significant consenting issues for existing and new activities located in the Port. ██████ oppose the current draft provisions relating to hazardous substances in both: • Part 1 – Introduction and General Provisions/Interpretation/Definitions; and • Part 2 – District-Wide Matters/Hazards and Risks/HS-Hazardous Substances ██████ note that hazardous substance use and storage is controlled by both the Hazardous Substances and New Organisms Act 1996 ('HSNO') and the Health and Safety at Work Act ('HSW Act'). The provision of a safe working environment is a key legislative requirement ██████ with the design and operation of hazardous substances facilities such as the bulk fuel tank farm managed in accordance with these obligations. The HSNO Act provides a framework to control hazardous substances during their entire life cycle from their manufacture or import through to their use and disposal to achieve the Act's purpose which is "To protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances...". As part of the Resource Management Legislation Amendment Act 2017, Sections 30 and 31 of the RMA were amended to remove the control of hazardous substances as an explicit Council function meaning that Councils no longer have a specific obligation to manage hazardous substances in RMA policy statements and plans. Consequential changes were also made to the HSNO Act and the HSW Act in response to this change. While it is noted that Councils may still place extra controls on hazardous substances in their District Plan, the Ministry for the Environment Guidance states that, "in most cases HSNO and Worksafe controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances"<sup>1</sup>. Ministry for the Environment guidance is that where a Council decides to place extra controls on hazardous substances in their District Plan's, they need to be carefully considered and determined to be necessary through the section 32 and decision-making process. In response to the changes to hazardous substance regulations it is noted that other Canterbury councils are taking the approach of substantially removing hazardous substance provisions from their District Plans (already removed or proposed to be removed), including the second generation Christchurch District Plan, Selwyn Notified District Plan, and the Canterbury Regional Land and Water Plan. The rationale as to whether or not detailed hazardous substances rules are appropriate was canvassed at length in the recent Christchurch District Plan Review process. The Independent Hearings Panel included an ex-High Court judge, a sitting Environment Court judge, and experienced planning practitioners. A copy of the decision is appended for ease of reference, with pages 16-22 being of particular relevance. The Panel reached the unequivocal conclusion that detailed hazardous substances rules were unnecessary and simply created inefficient and ineffective duplication of the HSNO</i></p>	<p>Requested outcome: That the District Plan does not include provisions on hazardous substances.</p>
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<a href="#">86.9</a>	HS – Hazardous substances	General	General	<p>█████ considers that the Council has not satisfactorily justified the new hazardous substances provisions relating to Significant Hazardous Facilities. More specifically, it is unclear from the draft provisions what exactly is meant by ‘residual risk’.</p> <p>█████ considers that in the absence of clear guidance from the Council on the risks that are trying to be managed, the plethora of regulation and legislation that applies to the use, storage and management of hazardous substances (which █████ is required to comply with), and considering the rural and relatively isolated location of the █████ site, then ‘milk processing plants’ and ‘wastewater treatments plants’ should be removed from the definition (and accordingly, the Significant Hazardous Facility provisions would not apply to the █████ site).</p> <p>Alternatively, given the proposal by █████ to include Strategic Rural Industry Zone in the Draft Plan, █████ considers that the three sites in this zone could instead be exempted from having to comply with the hazardous substance provisions of the Plan. The three sites to be included in the Strategic Rural Industry Zone are already established and operating. They are limited in number (i.e., there are only three of them) as well as being located in rural environments with few sensitive activities surrounding them.</p> <p>If the proposed alternative approach is taken, any new activities seeking to be located in a Strategic Rural Industry Zone would have to seek authorisation through a plan change process, whereby the suitability of the activity under Plan provisions would be fully assessed. In addition, the status of new activities in the Strategic Rural Industry Zone would be discretionary, which would require an assessment of the proposal against all relevant objectives and policies. Such assessment would include the risks associated with hazardous substance storage and use.</p>	<p>Amend the definition of ‘significant hazardous facility’ as follows:</p> <p>means the use of land and/or buildings (or any part of) for one or more of the following activities:</p> <ol style="list-style-type: none"> <li>a. Manufacturing, including the associated storage, of hazardous substances (including agrichemicals, fertilisers, acids/alkalis or paints).</li> <li>b. Petroleum exploration and petroleum production facility.</li> <li>c. The storage/use of more than 100,000L of petrol.</li> </ol>

					<p>d. The storage/use of more than 50,000L of diesel.</p> <p>e. The storage/use of more than 6 tonnes of LPG.</p> <p>f. Galvanising plants.</p> <p>g. Electroplating and metal treatment.</p> <p>h. Tanneries.</p> <p>i. Timber treatment.</p> <p>j. Freezing works and rendering plants.</p> <p><del>k. Wastewater treatment plants.</del></p> <p>l. Metal smelting and refining (including battery refining or recycling).</p> <p><del>m. Milk processing plants.</del></p> <p>n. Polymer foam manufacturing.</p> <p><b>Alternatively</b></p>
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						exempt all sites in the Strategic Rural Industry Zone from the hazardous substance provisions of the Plan.	
<a href="#">141.104</a>	HS – Hazardous substances	Objectives	HS-O1 Existing significant hazardous facilities	HS-O1 Existing significant hazardous facilities	Support	██████ supports the focus on significant hazardous facilities as defined.	Retain
<a href="#">141.105</a>	HS – Hazardous substances	Objectives	HS-O3 Risk and reverse sensitivity effects	HS-O3 Risk and reverse sensitivity effects	Support	Requiring sensitive activities to be sets back from significant hazardous facilities is supported	Retain
<a href="#">83.16</a>	HS – Hazardous substances	Policies	Enable the operation, maintenance, and repair of significant hazardous facilities.	<p>██████ are in general <b>support</b> off Policy HS-P1.</p> <p><i>The policy enables the operation, maintenance and repair of significant hazardous facilities.</i></p>			
<a href="#">83.17</a>	HS – Hazardous substances	Policies	Provide for the alteration of existing significant hazardous facilities where the effects can be mitigated.	<p>██████ are in general <b>support</b> of Policy HS-P2 in terms of its intent.</p> <p><i>“provide for the alteration of existing significant hazardous facilities where the effects can be mitigated” could be appropriately applied to MHF, however an amendment is sought to ensure that the policy stipulates that effects need to be mitigated to acceptable levels.</i></p> <p><b>Amend</b> the wording of the policy to ensure that effects <b>NEED</b> to be mitigated to acceptable.</p>			

<a href="#">141.106</a>	HS – Hazardous substances	Policies	HS-P4 New significant hazardous facilities i	HS-P4 New significant hazardous facilities in General Rural Zone	Support in part	Significant Hazardous facilities that are linked to primary production should be provided for in the rural zone.	Add and additional criteria to HS-P4:  Has an operational or functional need to locate in the Rural Zone due to linkages with primary production.
<a href="#">93.16</a>	HS – Hazardous substances	Rules	HS-R4 New sensitive activities All z	<p><i>New sensitive activities such as a residential activity, place of assembly, education facility, and a visitor accommodation will be discouraged from locating within 250m of a significant hazardous facility.</i></p> <p>■■■■ consider that activities in the SARZ should also be defined as sensitive activities given the potential for conflict with ■■■■</p>			
<a href="#">43.51</a>	HS – Hazardous substances	Rules	HS-R2 The establishment of a new significant	<p><i>Amend as follows:</i></p> <p><i>PER-1</i></p> <p><i>The new significant hazardous facility is not located in, or does not extend into, a sensitive environment or the drinking water protection overlay.</i></p> <p><i>DIS-1</i></p> <p><i>The new significant hazardous facility is not located in, or does not extend into, a sensitive environment or the drinking water protection overlay.</i></p> <p><i>Also, clarify whether the definition of ‘sensitive environment’, which includes ‘flood hazard areas’, is intended to also cover mapped ‘high hazard areas’.</i></p>			