

APPENDIX A:
SUMMARY OF SUBMISSIONS

Dunedin City District Plan
PROPOSED DISTRICT PLAN CHANGE 13
Hazardous Substances

Summary of Decisions Requested

11 February 2012



DUNEDIN CITY
COUNCIL
Te Kaitiaki o Te Ōhau
CITY PLANNING

The first stage of the process for Proposed Plan Change 13 provided an opportunity for anyone to make a submission, subject to clauses 6(2) to 6(4) of the First Schedule of the Resource Management Act 1991 ('the Act'). The period for making submissions closed on 12 December 2011. A summary of decisions requested by persons making submissions is contained in this document.

This is the second stage of the process for Proposed Plan Change 13. Under clause 8 of the First Schedule of the Act, this stage provides an opportunity for the following parties to make a further submission either supporting or opposing a submission or submissions already made:

- any person representing a relevant aspect of the public interest;
- any person who has an interest in the proposed plan change that is greater than that of the general public; and
- the Dunedin City Council itself.

This second stage does not provide another opportunity to make new submissions on the Plan Change itself, as a further submission can only relate to a submission that has already been made.

Please refer to the original submissions for full details. Copies of the original submissions are available for public inspection at:

- Planning Enquiries, First Floor, Civic Centre, 50 The Octagon, Dunedin
- Public Libraries at Dunedin, Mosgiel, Port Chalmers, Blueskin Bay (Waitati) and Waikouaiti

Further submissions should be made in writing and sent to the Dunedin City Council using one of the following options:

Post to: City Development Manager, Dunedin City Council, PO Box 5045, Dunedin
Deliver to: Planning Enquiries, Plaza, Civic Centre, 50 The Octagon, Dunedin
Fax to: 474 3451 (if you fax your submission, please post or deliver a copy to one of the above addresses)
E-mail to: planning@dcc.govt.nz
Submit online at: www.dunedin.govt.nz

The further submission must be in Form 6 of the Resource Management (Forms, Fees and Procedure) Regulations 2003 or similar, and must state whether or not you wish to be heard on your submission. Copies of this form are available from Planning Enquiries and at public libraries, can be downloaded from www.dunedin.govt.nz or will be mailed to you if you phone 477 4000, or email klindsay@dcc.govt.nz.

The further submission period closes on Friday 5 March 2012.

The process for public participation in the consideration of the proposed plan change under the Act is as follows:

- if a submitter asks to be heard in support of their submission, a hearing must be held;
- the Council will give its decision on the proposed plan change (including its reasons for accepting or rejecting submissions); and
- anyone who has made a submission has the right to appeal the decision on the proposed plan change to the Environment Court.

Please note that if you make a further submission, you must provide a copy of it to the original submitter(s) that you have opposed or supported within five working days of making the submission. The contact details of original submitters are provided in the table overleaf. For further information please telephone Kirstyn Lindsay on 477 4000, or email klindsay@dcc.govt.nz.

List of Submitters

Submitter Number	Submitter Name	Organisation	Address1	Address2	City	Post code
PC-13-1	Mr Scott Kunac	Allan Millar's Hunting & Fishing	52 Tirohanga Road	RD 2	Mosgiel	9092
PC-13-2	Mr Glen Miller		5 Canberra Place	Waldronville	Dunedin	9018
PC-13-3	Mr David Holdsworth		35 Greenacres Street	Macandrew Bay	Dunedin	9014
PC-13-4	Mr Lindsay Strong		29 Church Street		Mosgiel	9024
PC-13-5	Mr Stewart Bayne	Antique Arms Association Otago Branch	68 Skibo Street	Kew	Dunedin	9012
PC-13-6	Mr Philip Cregeen	New Zealand Antique & Historical Arms Association Inc.	57A Riverside Drive	Riverside	Whangarei	0112
PC-13-7	Mrs Joanne Bayne	Antique Arms Association Otago Branch	68 Skibo Street	Kew	Dunedin	9012
PC-13-8	Mr Ross Dungey		109 Benhar Road	RD 2	Balclutha	9272
PC-13-9	Dr John Osborne		PO Box 52		Kaitiaki 0441	
PC-13-10	Mr John Fooks	Dunedin Clay Target Club Inc	20A Brighton Road	Green Island	Dunedin	9018
PC-13-11	Mr Chaz Forsyth		70 Evans Street	Opoho	Dunedin	9010
PC-13-12	Mr Tim Cleminson	Dunedin Clay Target Club Inc	PO Box 2001	South Dunedin	Dunedin	9044
PC-13-13	Mr Selwyn Smith		10 Buckingham Street		Dunedin	9016
PC-13-14	Ms Dianne Brown	New Zealand Deer Stalkers' Association Incorporated	PO Box 6514	Marion Square	Wellington	6141
PC-13-15	Mr Paul Clark	New Council of Licensed Firearms Owners Incorporated (COLFO)	PO Box 24020	Manners Street	Wellington	6142
PC-13-16	Ms Adrienne Sears	New Zealand Clay Target Association Inc.	PO Box 5355	Papanui	Christchurch	8542
PC-13-17	Mr Stuart Hayman	New Zealand Service Rifle Association Inc	PO Box 12450	Penrose	Auckland	1642
PC-13-18	Otago-Southland Firearm Owners Coalition C/O Chaz Forsyth	Otago-Southland Firearm Owners Coalition	70 Evans Street	Opoho	Dunedin	9010
PC-13-19	Bruce Rifle Club (Inc) C/O Chaz Forsyth	Bruce Rifle Club (Inc)	70 Evans Street	Opoho	Dunedin	9010
PC-13-20	Dr Lech Beltowski	Sporting Shooters Association of NZ (SSANZ)	PO Box 41013	St Lukes	Auckland	1346
PC-13-21	Mr Andrew Keene		28C Maitland Street		Dunedin	9016

PC-13-22	Mr Jay MacLean		469 Henley Road	RD 1	Outram	9073
PC-13-23	Mr Simon Van Westoby		7 Maryhill Terrace	Mornington	Dunedin	9011
PC-13-24	Mr Paul Horsman	Otago Branch (Inc) New Zealand Deerstalkers' Association	PO Box 701		Dunedin	9054
PC-13-25	Mr Evan Johnston		14 Shand Street	Green Island	Dunedin	9018
PC-13-26	Mr Steve Kilby		5 Heenan Road	RD 1	Outram	9073
PC-13-27	Ms Ellen Kilby		5 Heenan Road	RD 1	Outram	9073
PC-13-28	Mr Alec Cassie	Wenita Forest Products	PO Box 341		Mosgiel	9053
PC-13-29	Mr Barry Mackay Attn Katrina Roos	Property Services	University of Otago	PO Box 56	Dunedin	9054
PC-13-30	Mr Tony Parata		1113 Coast Road	RD 1	Waikouaiti	9471
PC-13-31	Mercy Hospital Dunedin Limited Attn Joanne Dowd	Mercy Hospital Dunedin Limited	C/O Mitchell Partnerships Limited	PO Box 489	Dunedin	9054
PC-13-32	Mr Chris Keenan	Horticulture New Zealand	PO Box 10232	The Terrace	Wellington	6143
PC-13-33	Mr Peter Gilbert	LPG Association of New Zealand	PO Box 1776		Wellington	6140
PC-13-34	Ms Joanna Pollard		PO Box 35		Outram	9062
PC-13-35	Mr Lincoln Coe	Port Otago Limited	PO Box 8		Port Chalmers	9050
PC-13-36	Mr Greg Sneath	New Zealand Fertiliser Manufacturers Research Association Incorporated	PO Box 11519	Manners Street Central	Wellington	6142
PC-13-37	Mr Grant Anderson	Holcim (New Zealand) Limited	PO Box 6040	Upper Riccarton	Christchurch	8442
PC-13-38	Mr Kevin Thompson	Downer EDI Works Limited	133 Main South Road	Green Island	Dunedin	
PC-13-39	Mr Murray Mackenzie	Ravensdown	PO Box 16081	Hornby	Christchurch	8441
PC-13-40	Ms Laura Marra	TrustPower Limited	Private Bag 12023	Tauranga Mail Centre	Tauranga	3143
PC-13-41	Ms Janet Connochie	Chemsafety Limited	PO Box 8141		Christchurch	8440
PC-13-42	Mr Jonathan Green	Fulton Hogan Limited	Private Bag 11900	Ellerslie	Auckland	1542
PC-13-43	Kim Reilly	Federated Farmers of New Zealand	PO Box 5242	Moray Place	Dunedin	9058

Guide to the Summary of Submissions

Submissions on Plan Change 13 have been summarised and arranged to facilitate further submissions. The submissions have been arranged by the provision in the plan change to which they relate, so that submissions relating to each provision can be easily found. Individual submissions have been provided with reference numbers such as PC-13-2 (or Plan Change 13/Submitter 2). Where a submission relates to a number of different provisions a further reference has been added, for example PC-13-2/a, PC-13-2/b etc.

How the summary is organised

The summary has been organised as follows:

<u>Provision to which the submission relates</u>	<u>Summary begins on page:</u>
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Submitter Name	Submitter Number	Provision	Submission Summary	Decision Sought from Dunedin City Council	Wish to be Heard
Mr Tony Parata	PC-13-30/a	Whole of Plan Change	The submitter opposes the use of thresholds and consents to regulate the storage and use of hazardous substances because there are now comprehensive HSNO controls.	That no further regulations be imposed by the District Plan unless it can be shown by the Council that HSNO regulations are inadequate for a particular site.	Yes
Mercy Hospital Dunedin Limited	PC-13-31/a	Whole of Plan Change	The submitter opposes the plan change because, in their view, the proposed permitted quantity thresholds for hazardous substances are too low, are not clearly justified, and would result in unnecessary resource consent requirements.	Opposes the thresholds set in proposed Table 17.1 and seeks thresholds which accommodate its operation without the need for resource consent.	Yes
Mr Chris Keenan Horticulture New Zealand	PC-13-32/a	Whole of Plan Change	The submitter supports the intent of the plan change to update classifications, to align and coordinate with HSNO and to remove the Hazardous Facilities Screening Procedure (HFSP) from the District Plan. However, the submitter considers that the plan change is too complex and that it duplicates HSNO regulations.	That the plan change be amended as requested by the submitter in submissions PC-13-32/b to 32/g.	Yes
Mr Lincoln Coe Port Otago Limited	PC-13-35/a	Whole of Plan Change	The submitter considers that the approach taken in the proposed plan change is complex, duplicative and unnecessary, given the HSNO regulatory environment, to manage effects of hazardous substances. The submitter considers that the entire approach should be revised with greater reliance on the HSNO regime as a means of implementation.	That all hazardous substances thresholds be removed from the District Plan and that HSNO Regulations (Group Standards) be relied upon to manage generic effects. That District Plan rules only be included where there are identified special characteristics or site specific matters to be managed for a resource management purpose.	Yes
Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/a	Whole of Plan Change	The submitter is generally supportive of the plan change as there is clear provision within the plan change which seeks to protect the environment from accidental spills or leakages. However, the submitter wishes to ensure that: • Unintended consequences do not arise through the adoption of the proposed plan	That the plan change be amended as requested by the submitter in submissions PC-13-37/b to 37/j.	Yes

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			- change; - Perverse outcomes do not arise through the implementation of the proposed plan change; - The Port 2 Zone is recognised as an industrial area which holds or stores significant quantities of material; - Cement, Burnt Lime and Hydrated Lime are provided for within the Plan; and - The submitter's customers are not adversely affected by the proposed plan change.		
Mr Kevin Thompson Downer EDI Works Limited	PC-13-38/a	Whole Plan Change	The submitter generally supports Plan Change 13 given its objective is to better align the District Plan's management of Hazardous substances with the Hazardous Substances and new organisms Act (HSNO).	That the plan change be supported, given its objective to better align the District Plan with HSNO, subject to amendments requested by the submitter in submission PC-13-38/b.	
Ms Laura Marra TrustPower Limited	PC-13-40/a	Whole of Plan Change	The submitter generally supports the Plan Change as it seeks to ensure the District Plan is in line with the Hazardous Substances and New Organisms Act 1996 (HSNO) requirements. The submitter is concerned that the proposed changes to the District Plan will impose restrictions that are more stringent than required by the HSNO standards. The submitter is concerned that there does not seem to be consistency between the quantities of hazardous substances that trigger key requirements (threshold quantities) under the HSNO legislation and the limits for hazardous substances that are permitted activities in the proposed Plan Change. The submitter seeks justification from the Council as to how the permitted quantity limits were identified. If it is determined that the thresholds have been developed to ensure alignment with the HSNO obligations, then the submitter will support the thresholds.	That the District Plan provisions be brought into line with the HSNO requirements. That the proposed changes to the District Plan do not impose restrictions that are more stringent than required by HSNO. That there be consistency between the threshold quantities in HSNO and the District Plan. That justification be provided on how the proposed District Plan thresholds were identified.	Yes

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Ms Janet Connochie Chemsafety Limited	PC-13-41/a	Whole of Plan Change	The submitter generally supports the Plan Change, as it seeks to ensure the District Plan is in line with the Hazardous Substances and New Organisms Act 1996 (HSNO) requirements.	Retain Plan Change, with amendments as requested in submissions PC-13-41/b to k.	No
Mr Jonathan Green Fulton Hogan Limited	PC-13-42	Whole of Plan Change	The submitter supports the alignment of the District Plan with HSNO but feels that the proposed plan change fails to do this. They request that the plan change be withdrawn and rewritten to align with HSNO thresholds and re-notified.	Withdraw Plan Change	Yes
Mr Lincoln Coe Port Otago Limited	PC-13-35/b	Definitions	The submitter considers that the Port 1 Zone need not be subject to Rule 17.5.1(vi), and can therefore be removed from the related definition of "hazardous sub-facility". However, the submitter considers that the Port 2 Zone should be subject to Rule 17.5.1(vi), and therefore that this zone should be referred to in the definition.	That the definition of "hazardous sub-facility" be amended as follows: "means any hazardous facility within the Campus, Port ± 2, Airport and Industrial 1 Zones and forestry and timber treatment activities in the Rural Zone, which is separated from any other hazardous facility on the same site where..."	Yes
Mr Lincoln Coe Port Otago Limited	PC-13-35/c	Definitions	The submitter considers that the definition of "hazardous substance" should not include substances in transit, since HSNO has specified controls for goods in transit, and in addition Port Otago has very detailed operating procedures in place for the management of hazardous substances in transit.	That the definition of "hazardous substance" be amended to include the following: "(iii) Does not include (a) Hazardous substances in transit (b) Hazardous substances in temporary storage at a transport interchange area (c) The loading, unloading and storage of hazardous substances transiting through the port."	Yes
Ms Janet Connochie Chemsafety Limited	PC-13-41/b	Definitions	The submitter is concerned that the definition of Hazardous Substances may not be clear. Substances may have intrinsic properties such as those listed, but may be of a low level meaning that they are not classified as hazardous substances under the HSNO Act.	Clarify definition of Hazardous Substance to reference "Hazardous Substance (Minimum Degrees of Hazard) Regulations"	No
Federated Farmers	PC-13-43/e	Definitions	The submitter is concerned that where the District Plan requires a resource consent application for a quantity of substance HSNO	That, unless District Plan rules are altered to provide for the storage and use of agrichemicals, fertilisers	Yes

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			otherwise permits, this introduces costly and unnecessary, onerous and impractical consent requirements. The submitter considers that this level of control is not consistent with current HSNO regulations and requirements.	and fuel (above and below ground) as permitted activities where relevant HSNO regulations and guidance are complied with (as requested by the submitter in submissions PC-13-43/b to 43/d), the farm scale use and storage of agrichemicals and fertilisers be excluded from the definition of hazardous facilities and therefore be exempt from the hazardous substance rules where the substance is only intended for on-farm use.	
Mr Chris Keenan Horticulture New Zealand	PC-13-32/b	Objective 17.2.2	The submitter supports the proposal to retain Objective 17.2.2, with the explanation amended to include hazardous waste.	That Objective 17.2.2 be retained as proposed.	Yes
Ms Laura Marra TrustPower Limited	PC-13-40/b	Objective 17.2.2	The submitter supports the proposed amendment to the wording of Objective 17.2.2.	That Objective 17.2.2 be retained as proposed.	Yes
Mr Chris Keenan Horticulture New Zealand	PC-13-32/c	Policy 17.3.8	The submitter supports the first part of this policy, to control the storage, use, disposal and transportation of hazardous substances. However, the submitter is concerned about how sites where hazardous substances are located will be identified. The submitter notes that while the plan change does not propose to amend this policy, other methods that stem from this policy are proposed to be changed.	Not stated.	Yes
Ms Joanna Pollard	PC-13-34/a	Policy 17.3.8	The submitter seeks an amendment to Policy 17.3.8.	That the words "hazards to social wellbeing and economy" be added to Policy 17.3.8.	Yes
Ms Laura Marra TrustPower Limited	PC-13-40/c	Policy 17.3.8	The submitter supports the policy, but is concerned that the District Plan may impose restrictions that are more restrictive than the HSNO thresholds, and believes that such inconsistency would be inappropriate.	Not stated.	Yes
Ms Joanna Pollard	PC-13-34/b	Method 17.4.1	The submitter suggests that Method 17.4.1 - Hazards Register be amended.	That "hazards to the environment, including flora and fauna, natural and introduced" be added to the hazards listed in Method 17.4.1 - Hazards Register.	Yes

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Mr Chris Keenan Horticulture New Zealand	PC-13-32/d	Method 17.4.2	The submitter notes that Method 17.4.2 seeks to maintain a register for all locations and types of activities that generate, use, store, transport or dispose of hazardous substances. The submitter is concerned that such a register would be very extensive (including every rural property in the City, as they use and store agrichemicals, fertilisers and fuel). The submitter considers it unclear what the intent of such a register would be or how it would be compiled, given that use of hazardous substances is often a permitted activity. The submitter seeks a more targeted approach, with inclusion linked to the requirement for resource consent.	That Method 17.4.2 be amended to read: "Compile and maintain a Hazardous Substances Register listing the location and activities where resource consent has been granted for the use, storage, transport or disposal of hazardous substances." That the sentence "The register will also include information on known contaminated sites" be deleted.	Yes
Ms Laura Marra TrustPower Limited	PC-13-40/d	Method 17.4.2	The submitter supports this method but suggests that it should be amended so that only activities involving hazardous substances that require resource consent are required to be recorded on the register; it is impractical, in the submitter's view, to expect all hazardous substances of all quantities and storage methods to be registered.	That Method 17.4.2 be amended so that only activities involving hazardous substances that require resource consent are required to be recorded on the register.	Yes
Mr Chris Keenan Horticulture New Zealand	PC-13-32/e	Method 17.4.5	The submitter considers that, since Method 17.4.5 relates to "hazard prone areas", it is unclear why it has been amended as part of Plan Change 13. The submitter notes that use of hazardous substances does not necessarily mean that an area is "hazard prone". In the submitter's view, it would be more appropriate to add a clause to Method 17.4.5 regarding liaison on hazardous substances, as opposed to hazard prone areas.	That Method 17.4.5 be amended by adding the following clause iii): "Liaise with other agencies, including the EPA, Dept of Labour, Ministry of Health, Ministry for the Environment and affected landowners regarding use, storage, transport or disposal of hazardous substances."	Yes
Ms Laura Marra TrustPower Limited	PC-13-40/e	Method 17.4.5	The submitter notes that the method refers to ERMA, which was disestablished on 30 June 2011 and its functions incorporated into the Environmental Protection Agency.	That reference to ERMA be removed from Method 17.4.5.	
Ms Janet Connochie Chemsafety Limited	PC-13-41/c	Method 17.4.5	The submitter notes that certain references to government agencies are incorrect.	That the reference to ERMA (now EPA) be removed, and that the Ministry for the Environment be referred to.	No
Mr Chris Keenan Horticulture New Zealand	PC-13-32/f	Method 17.4.6	The submitter supports the deletion of the Hazardous Facilities Screening Procedure, but	That Method 17.4.6 be amended by deleting reference to the HFSP, but	Yes

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				not the deletion of industry codes of practice. Codes of practice set out the best management practices and provide a valuable tool for Council in terms of managing potential adverse effects.	that industry codes of practice be retained.	
Ms Laura Marra TrustPower Limited	PC-13-40/f	Method 17.4.6		The submitter is concerned about the proposed deletion from Method 17.4.6 of the reference to the use of "appropriate procedures, including the Hazardous Facility Screening Procedure and industry codes of practice" in the assessment of resource consent applications. The submitter notes that the plan change as proposed does not provide any guidance as to what matters the Council will consider in assessing resource consent applications.	That Method 17.4.6 be retained with no amendments.	Yes
Ms Jcanna Pollard	PC-13-34/c	Method 17.4.7		The submitter considers that Method 17.4.7(i) – Advocacy "Encourage the implementation of environmentally acceptable technologies in the storage, use, disposal or transportation of hazardous substances" should be strengthened where "use" relates to the use of target specific traps for vertebrates and invertebrates.	That Method 17.4.7(i) be strengthened with regard to the use of target specific traps for vertebrates and invertebrates.	Yes
Mr Tony Parata	PC-13-30/b	Rule 17.5.1		The submitter considers that the District Plan should not provide for the disposal of hazardous substances as a permitted activity in any zone.	That the District Plan restrict disposal (as defined in HSNO Act) of hazardous substances to appropriate facilities.	Yes
Mr Chris Keenan Horticulture New Zealand	PC-13-32/g	Rule 17.5.1		The submitter requests that, to avoid duplication of controls, all activities that comply with NZS8409:2004 Management of Agrichemicals be provided for as permitted activities. The submitter further requests that where on-farm storage of Class 3 fuels in the Rural Zone meets HSNO requirements, including location test certificates, no additional controls be imposed by the Council.	Either: that Rule 17.5.1 be amended to so that no resource consent is required either for activities complying with NZS8409:2004 or for on-farm storage of Class 3 fuels in the Rural Zone that meets all HSNO requirements, Or: that Plan Change 13 be withdrawn and gap analysis be undertaken to identify the specific resource management issues in the city which are not addressed by HSNO regulations and which therefore require specific provisions within the District Plan.	Yes
Mr Lincoln Coe Port Otago Limited	PC-13-35/d	Rule 17.5.1		The submitter seeks amendments to Rule 17.5.1 to ensure that hazardous substance use and storage (i.e. fixed installation) is a	That Rule 17.5.1(vi) be amended to exclude reference to the Port 1 Zone, and to include reference to	Yes

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			permitted activity in the Port 1 Zone, and to clarify that threshold quantities apply to hazardous sub-facilities in the Port 2 Zone. The submitter considers that a quantity threshold approach is not relevant in the Port 1 Zone, since: the zone is entirely owned and operated by Port Otago Ltd; the area is completely secure with no public access; there is a considerable buffer between the Port Chalmers secure area and any public area or any residential or commercial area in private use; the fluctuation in volumes of hazardous substance on site make a rule based on quantities impractical to apply on a day to day basis; and management within the secure area is under comprehensive control and audit as required by HSNQ regulations.		the Port 2 Zone. That Rule 17.5.1 be amended to provide for Port 1 Zone activities as a permitted activity, by adding the following rule: (viii) the storage, use or disposal of hazardous substances in the Port 1 Zone. The storage, use or disposal must be: no less than 50m from any residential dwelling; within a secure area with no public access; and have a HSNQ test certificate (if required) under section 83 of the HSNQ Act.	
Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/b	Rule 17.5.1(i)	The submitter requests an amendment to the wording of Rule 17.5.1(i), to ensure provision for the satisfactory storage, use and disposal of cement, burnt lime and hydrated lime.		That Rule 17.5.1(i) be amended as follows (addition <u>underlined</u>): "The storage, use or disposal of hazardous substances for domestic purposes, associated with a lawfully established residential activity, excluding home occupation. The hazardous substance(s) must form part of a consumer product intended for domestic use. The product must be stored in the container or packaging in which it was sold, and used or disposed of in accordance with the manufacturer's instructions."	Yes
Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/c	Rule 17.5.1(iii) and (iv)	The submitter requests amendments to the wording of Rules 17.5.1(iii) and 17.5.1(iv) to ensure that there is no conflict between the rules in the Plan.		That the wording of Rules 17.5.1(iii) and (iv) be amended to make clear that these rules do not apply to activities provided for under Rule 17.5.1(i).	Yes
Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/d	Rule 17.5.1(vi)	The submitter requests that the Port 2 Zone be included in the list of zones in which permitted activity thresholds apply per hazardous sub-facility, rather than per site.		That Rule 17.5.1(vi) be amended as requested.	Yes
Mr Grant Anderson Holcim (New Zealand)	PC-13-37/e	Rule 17.5.1	The submitter requests that a rule be included in the Plan to avoid overlap between the		That an additional Rule 17.5.1(viii) be included in the plan change, as	

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Limited			responsibilities of companies and of the Council in applying the HSNO rules and regulations.	follows: "(viii) Where any new facility is constructed, and a Test Location Certificate or Stationary Container Certification is required, it is deemed that the certified environmental controls are considered adequate. If no Test Location Certificate or Stationary Container Certification is supplied, resource consent will be required under rule 17.5.2, 17.5.3 or 17.5.4 of this Plan."	
Ms Janet Connochie Chemsafety Limited	PC-13-41/d	Rule 17.5.1	The submitter considers that the meaning of "excluding home occupation" in Rule 17.5.1(i) is unclear. With regard to Rule 17.5.1(ii), the submitter notes that, when dealing with exclusion from regulation of fuels held in the fuel tanks of vehicles, aircraft or ships, the HSNO Act refers to "any substance that is required for the motive power or control of a vehicle, aircraft or ship and that is contained within the fuel system, electrical system or control system of the vehicle, aircraft or ship". The submitter seeks that clauses (iv), (v), (vi) and (vii) of Rule 17.5.1 to be removed from the rule and included within a user guide at the beginning of Table 17.1. The submitter considers that these clauses are advice notes providing guidance to plan users, rather than being activities to be permitted under the rule.	That the scope of Rule 17.5.1(i) be clarified. That the scope of substances excluded from regulation by Rule 17.5.1(ii) be expanded beyond fuel to include hydraulic and brake fluids, and any other substance that may be integral to the operation of a vehicle, aircraft or ship.	No
Mr Peter Gilbert LPG Association of New Zealand	PC-13-33/a	Rule 17.5.1	The submitter seeks that clauses (iv), (v), (vi) and (vii) of Rule 17.5.1 to be removed from the rule and included within a user guide at the beginning of Table 17.1. The submitter considers that these clauses are advice notes providing guidance to plan users, rather than being activities to be permitted under the rule.	Remove clauses (iv), (v), (vi) and (vii) of Rule 17.5.1 and include within a user guide at the beginning of Table 17.1.	Yes
Mr Greg Sneath New Zealand Fertiliser Manufacturers' Research Association Incorporated	PC-13-36/a	Rule 17.5.1	The submitter is concerned that proposed Rule 17.5.1 will require resource consent for farmers who routinely apply fertiliser such as a superphosphate mix or urea. In the view of the submitter, this will introduce unnecessary, onerous and impractical consent requirements and be unworkable for City Council officers and	That permitted activity status be provided to on-farm storage and use of fertiliser products. That permitted activity conditions be consistent with the HSNO Fertiliser Group Standards.	Yes

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			farmers alike. The submitter considers that proposed rule is inconsistent with the HSNO Act, its associated Regulations, and the requirements specified in the HSNO Fertiliser (Subsidiary Hazard) Group Standard 2006.	That consequential changes be made to words and references within proposed Chapter 17.	
Mr Kevin Thompson Downer EDi Works Limited	PC-13-38/b	Rule 17.5.1	The submitter considers that the plan Change could result in a situation where a facility or sub facility may require both a Location Test Certificate and a resource consent. This is considered an unnecessary duplication and will impose additional and unnecessary costs and delays on site owners and operators. The submitter therefore considers that the following change should be made to Rule 17.5.1(iv): ...under Rule 17.5.2, 17.5.3 or 17.5.4 of this plan unless a Location Test Certificate has been issued for the quantity. The submitter also considers Rule 17.5.1(vi) should be amended in a similar manner, as follows: ...under Rule 17.5.2, 17.5.3 or 17.5.4 of this plan unless a Location Test Certificate has been issued for each hazardous sub-facility.	That Rules 17.5.1(iv) and (vi) be amended so that resource consent requirements apply only where HSNO Location Test Certificates have not been issued.	Yes
Mr Murray Mackenzie Ravensdown	PC-13-39/a	Rule 17.5.1	The submitter requests that hazardous substance activities in the Rural, Industrial and Port zones that are in compliance with the national HSNO framework are included as permitted activities. The submitter requests a clarification to the wording of Rule 17.5.1(iii).	That Rule 17.5.1 be amended to provide for the use or storage of a hazardous substance in the Rural, Industrial or Port Zones as a permitted activity, if they comply with the national HSNO framework. That Rule 17.5.1(iii) be amended as follows (addition <u>underlined</u>): "Unless provided for in 17.5.1 (i) and (ii) the storage, use and disposal of hazardous substances not exceeding the quantity limits and other requirements stipulated in	Yes

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	PC-13-43/a	Rule 17.5.1	The submitter considers that the HSNO Group Standard and Codes of Practice provide clear, in-depth and detailed information and guidelines on very specific topics. The submitter believes that these Standard and Codes should be given due weight within any applicable District Plan provision. The submitter considers that, where the District Plan requires a resource consent application for a quantity of substance that HSNO otherwise permits, this introduces costly and unnecessary, onerous and impractical consent requirements. In the submitter's view, this level of control is not consistent with current HSNO regulations and requirements.	Table 17.1."	Yes
Federated Farmers of New Zealand	PC-13-43/a	Rule 17.5.1	The submitter considers that the HSNO Group Standard and Codes of Practice provide clear, in-depth and detailed information and guidelines on very specific topics. The submitter believes that these Standard and Codes should be given due weight within any applicable District Plan provision. The submitter considers that, where the District Plan requires a resource consent application for a quantity of substance that HSNO otherwise permits, this introduces costly and unnecessary, onerous and impractical consent requirements. In the submitter's view, this level of control is not consistent with current HSNO regulations and requirements.	Where requirements under HSNO rules, regulations, Group Standards, approved Codes of Practice and quantity thresholds are being met, that any Council plan requirement should align with those in a permitted activity framework.	Yes
Federated Farmers of New Zealand	PC-13-43/b	Rule 17.5.1	The submitter advises that the Code of Practice HSNO COP 3-1 NZS8409:2004 relates to the Management of Agrichemicals and is the main source of information for safe, responsible and effective agrichemical use.	That the Council adopt rules permitting agrichemical use, storage, transportation and disposal where NZS8409:2004 is complied with.	Yes
Federated Farmers of New Zealand	PC-13-43/c	Rule 17.5.1	The submitter advises that under the Fertilisers (Subsidiary Hazard) Group Standard 2006 (HSR002571) any new hazardous substance that fits the specified criteria is automatically deemed an approved substance. In addition, the submitter advises that FertResearch's Code of Practice for Nutrient Management (2007) considers fertiliser use within the broader context of nutrient management and in regard to the overall farm management system.	That the Council: - Specifically refer to the Fertiliser (Subsidiary Hazard) Group Standard as the applicable standard for the storage and use of fertiliser; and/or - Adopt rules permitting fertiliser use, storage, transportation and disposal where the Group Standard is complied with; and/or - Amend Rule 17.5.1(v) to include those activities which comply with group standards as permitted activities. - Adopt rules permitting matters where FertResearch's Code of	

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				Practice for Management 2007 is complied with.	Nutrient	
Federated Farmers of New Zealand	PC-13-43/d	Rule 17.5.1		The submitter advises that ERMA provides significant guidance to farmers to ensure they meet their obligations regarding both below ground and above ground fuel storage and that, in addition to the HSNO Act and regulations, there are also approved HSNO Codes of Practice providing further guidance and rules.	That the above and below ground storage and use of fuel should be a permitted activity where HSNO rules, regulations, Group Standards, approved Codes of Practice and quantity thresholds are being met.	
Mr Tony Parata	PC-13-30/c	Table 17.1 - general	-	The submitter considers that in Rural and Rural Residential Zones there should be no thresholds for agrichemicals, as HSNO legislation - specifically HSNOCOP 4-2 Management of Agrichemicals - already provides for the comprehensive management of these substances.	That the District Plan not impose any permitted activity thresholds for agrichemicals in the Rural or Rural Residential Zones.	Yes
Ms Janet Connochie Chemsafety Limited	PC-13-41/e	Table 17.1 - general	-	The submitter is concerned that some of the thresholds selected in Table 17.1 are inconsistent with the risks posed by those substances.	That Table 17.1 thresholds be consistent with the risks posed by the substances. (See also specific changes requested by the submitter in submissions PC-13-41/f to 41/k.)	No
Mr Lincoln Coe Port Otago Limited	PC-13-35/e	Table 17.1 - general	-	The submitter considers that the District Plan should not contain a table of threshold limits because regulation of this nature is already prescribed under the HSNO regime.	That the District Plan should not contain a table of threshold limits for hazardous substances.	Yes
Mercy Hospital Dunedin Ltd	PC-13-31/b	Table 17.1 - general	-	The submitter considers that the thresholds in Table 17.1 are too low, are not clearly justified and would result in unnecessary resource consent requirements.	Amend the thresholds included in Table 17.1.	Yes
Mr Greg Sneath New Zealand Fertiliser Manufacturers' Research Association Incorporated	PC-13-36/b	Table 17.1 - general	-	The submitter advises that the HSNO Fertiliser Group Standards were produced following extensive consultation with all stakeholders and set out conditions that enable this group of hazardous substances to be managed safely to protect human health and the environment, and with the end user in mind.	That all local authority (regional, district, city and unitary) hazardous substances policy and rules must be consistent with the Hazardous Substances and New Organisms (HSNO) Act 1996 and associated regulations. Either: That Table 17.1 be deleted and reference to HSNO Group	Yes

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				Standards inserted as applicable, Or: that fertiliser use and storage by farmers be exempted from Table 17.1 with a permitted activity status based on complying with HSNO Fertiliser Group Standards. With consequential changes made to words and references within proposed Chapter 17.	
Mr Murray Mackenzie Ravensdown	PC-13-39/b	Table 17.1 - general	The submitter considers that wording in Section 17 could be confusing; it is unclear whether the proposed rules apply to each substance singularly or to substances falling within each HSNO class and sub-class in sum or aggregate. The heading of the left hand column of Table 17.1 implies that each substance should be treated separately - this would allow, for example, the Campus Zone to have up to 1000kg of each HSNO Class 6.3B substance. In contrast, the HSNO rules (including Group Standards) refer to <i>all substances</i> within a HSNO class or sub-class. The submitter considers that there may be other inconsistencies in Table 17.1. For example, in HSNO Class 8 (Corrosive), the thresholds for each sub-class are only expressed as litres, implying that only liquids are controlled. Elsewhere in Table 17.1, where both liquids and solids are covered, limits are expressed in both litres and kilograms (e.g. 6.1A-C "all other substances").	Clarify whether thresholds apply to individual substance types or to the sum of all substances within each HSNO class or sub-class. Correct any other inconsistencies in Table 17.1.	Yes
Mr Barry Mackay University of Otago	PC-13-29	Table 17.1 - Campus Zone	The submitter acknowledges that the majority of its concerns were addressed during the pre-consultation stage of the plan change process and, as such, the focus of its submission relates mainly to the threshold limits detailed in proposed Table 17.1.	Amend the thresholds included in Table 17.1 as they relate to the Campus Zone, specifically: That a 500 litre (water capacity) threshold be set for 'Non-flammable, non-toxic cryogenic liquids (stored in accordance with AS1894-1997) in the table subclass separate to the 2NH	No

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				threshold. That the threshold for Class 3.1C be reworded to provide for 450 litres in approved HSNO type stores. That the threshold for Class 4.1.3A-C be raised to 5kg. That the thresholds for 6.1A-C be raised to 100L or 100kg. That the threshold for Class 8.3A be raised to 1000L to ensure consistency with Classes 8.2A-C.	
Mr Lincoln Coe Port Otago Limited	PC-13-35/f	Table 17.1 - Port 2 Zone	The submitter requests that, if Table 17.1 is to apply to the Port 2 Zone, threshold limits more appropriately recognise: the scale and intensity of operational activities; the experience and practices of larger organisations; and HSNO certification.	That Table 17.1 apply only to the Port 2 Zone, and not to the Port 1 Zone. That thresholds for hazardous substances in the Port 2 Zone be amended as follows: That, for each category, use or storage be made a permitted activity either up to the limit permitted by a HSNO test certificate or if no test certificate is held, up to the thresholds set out in Table 17.1 That the threshold for outdoor storage of LPG (inc. propane-based refrigerant) in cylinders be increased from 180kg to 300kg. That the threshold for 3.1A flammable liquids – cumulative total limit – be increased so that it is equivalent to the Rural Zone threshold. That the threshold for storage of 3.1A liquid – very high hazard (e.g. petrol) in a certified double skin tank be increased from 600 litres to 2000 litres. That the threshold for storage of	

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					3.1B liquid – very high hazard (e.g. acetone, paint thinners) in a certified double skin tank be increased from 600 litres to 1200 litres. That the threshold for 5.1.1A-C Oxidising Substances – Liquids and Solids – be increased from 200 litres/kg to 500 litres/kg.	
Mr Scott Kunac Allan Millar's Hunting & Fishing	PC-13-1	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase the amount of 1.4S safety ammunition to be stored.	Yes	
Mr Glen Miller	PC-13-2	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase the amount of Class 1 explosive to be stored at residential locations.	No	
Mr David Holdsworth	PC-13-3	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	Supports Classes 1.1D and 1.3C thresholds but wishes Class 1.4S threshold to be increased to 25kg.	Yes	
Mr Lindsay Strong	PC-13-4	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase the amount of 1.4S safety ammunition to be stored to 25kg.	Yes	
Mr Stewart Bayne Antique Arms Association Otago Branch	PC-13-5	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	No	
Mr Philip Cregeen New Zealand Antique & Historical Arms Association Inc.	PC-13-6	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	No	
Mrs Joanne Bayne Antique Arms Association Otago Branch	PC-13-7	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	No	
Mr Ross Dungey	PC-13-8	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	No	
Dr John Osborne	PC-13-9	Table 17.1 – Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	Yes	
				To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	No	

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		Class Thresholds	1	thresholds for Class 1 substances are too restrictive and should be reviewed.	Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	
Mr John Fooks Dunedin Clay Target Club Inc	PC-13-10	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	No
Mr Chaz Forsyth	PC-13-11	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	Yes
Mr Tim Cleminson Dunedin Clay Target Club Inc	PC-13-12	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase the amount of 1.4S safety ammunition to be stored to 25kg.	Yes
Mr Selwyn Smith	PC-13-13	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase the amount of 1.4S safety ammunition to be stored to 25kg.	Yes
Ms Dianne Brown New Zealand Deer Stalkers' Association Incorporated	PC-13-14	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg	Yes
Mr Paul Clark New Council of Licensed Firearms Owners Incorporated (COLFO)	PC-13-15	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	Asks for Council not to adopt the proposed thresholds in relation to Class 1.4S explosive.	Yes
Ms Adrienne Sears New Zealand Clay Target Association Inc.	PC-13-16	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg	No
Mr Stuart Hayman New Zealand Service Rifle Association Inc	PC-13-17	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg	Yes
Otago-Southland Firearm Owners Coalition	PC-13-18	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg	Yes
Bruce Rifle Club (Inc)	PC-13-19	Table 17.1 Class Thresholds	- 1	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg	Yes

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Dr Lech Beltowski Sporting Shooters Association of NZ (SSANZ)	PC-13-20	Table 17.1 - Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.	at the proposed 15kg	To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg	yes
Mr Andrew Keene	PC-13-21	Table 17.1 - Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.		To increase the amount of 1.4S safety ammunition to be stored to 25kg.	No
Mr Jay MacLean	PC-13-22	Table 17.1 - Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.		To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg	No
Mr Simon Van Westoby	PC-13-23	Table 17.1 - Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.		To increase the amount of 1.4S safety ammunition to be stored to 25kg.	Yes
Mr Paul Horsman Otago Branch (Inc) New Zealand Deerstalkers' Association	PC-13-24	Table 17.1 - Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.		To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg	Yes
Mr Evan Johnston	PC-13-25	Table 17.1 - Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.		To increase the amount of 1.4S safety ammunition to be stored to 25kg.	No
Mr Steve Kilby	PC-13-26	Table 17.1 - Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.		To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	No
Ms Ellen Kilby	PC-13-27	Table 17.1 - Class 1 Thresholds	The submitter considers that the proposed thresholds for Class 1 substances are too restrictive and should be reviewed.		To increase proposed thresholds of Class 1.1D to 15kg, and Class 1.4S to 25kg and for Class 1.3C to remain at the proposed 15kg.	No
Mr Peter Gilbert LPG Association of New Zealand	PC-13-33/b	Table 17.1 - Class 2 thresholds	The submitter considers that the thresholds for LPG do not align with the HSNO regulations.		That all indoor storage limits for LPG be deleted from Table 17.1. That outdoor storage limits for LPG be deleted from Table 17.1 and replaced with Total Storage Quantities with thresholds similar to that used by other major urban territorial authorities.	Yes
Ms Janet Connochie Chemsafety Limited	PC-13-41/f	Table 17.1 - Class 2	With regard to Class 2.1.1 substances, the submitter suggests that the terminology used		That the Class 2 terminology and thresholds be amended as	No

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			thresholds	be "high" or "medium" hazard flammable gases, rather than (e.g.) "high hazard gases". With regard to Class 2.1.1A – LPG in cylinders, the submitter notes that HSNO permits the storage and use of cylinders up to 45kg in capacity, up to a total of 180kg per occupancy within specified floor area limits, in factories and warehouses. The submitter considers that this provision should be reconsidered in the light of HSNO requirements. With regard to Class 2.1.1A – Other liquefiable flammable gases, the submitter notes that no provision is made for other liquefiable high hazard flammable gases.	suggested.	
Mr Alec Cassie Wenita Forest Products	PC-13-28	Table 17.1 Class thresholds	– 3	The submitter supports the proposed thresholds for Petrol 3.1A and Diesel 3.1D and considers that the proposed thresholds will not unnecessarily restrict his forestry operation.	Accept Table 17.1 as it relates to Classes 3.1A and 3.1D.	No
Mr Tony Parata	PC-13-30/d	Table 17.1 Class thresholds	– 3	The submitter considers that there should be no requirements relating to above ground fuel storage in the Rural Zone, because this is covered more than adequately by the HSNO Approved Practice Guide Safe Above Ground Storage on Farms October 2010 version 3 April 2008.	That the District Plan not control above ground fuel storage in the Rural Zone.	Yes
Ms Janet Connachie Chemsafety Limited	PC-13-41/g	Table 17.1 Class thresholds	– 3	With regard to Class 3.1C Flammable Liquid, Medium Hazard, the submitter notes that as the proposed threshold would allow the storage of 450l of class 3.1B in a HSNO 'Type' store, but would require consent for the same storage of a less flammable 3.1C.	That this threshold be reconsidered to provide better consistency.	No
Ms Janet Connachie Chemsafety Limited	PC-13-41/h	Table 17.1 Class thresholds	– 5	With regard to Class 5.1.1A-C Oxidising liquids and solids, the submitter notes that this encompasses a very broad range of hazards within a single hazard band, and suggests that separating the thresholds for the different classes be considered. With regard to Class 5.1.2A Nitrous Oxide, the submitter notes that as written, the threshold appears to require resource consent for any hospitality organisation using nitrous oxide canisters for whipping cream. With regard to Class 5.2A-G Organic Peroxides,	That the Class 5 thresholds be amended as suggested.	No

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				the submitter notes that this category covers a very wide range of hazards, and suggests splitting the category into several threshold bands.		
Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/f	Table 17.1 - Class 6 thresholds	- 6	The submitter seeks higher thresholds for limestone (as a Class 6.4A eye irritant). This would recognise and provide for the common use of limestone chip in gardens and of ground limestone as fertiliser on farms, and would avoid limits that are nonsensical and unenforceable.	That the following thresholds be put in place for limestone as a Class 6.4A eye irritant: Group 1 – 3 tonnes Group 2 – 5 tonnes Group 3 – 1000kg Group 4 – 60 tonnes Group 5 – 1000kg Group 6 – 10 tonnes Group 7 – 1000kg	Yes
Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/g	Table 17.1 - Class 6 thresholds	- 6	The submitter seeks higher thresholds for cement (as a Class 6.5A respiratory sensitiser). This would recognise the widespread use of the material by many, including hardware stores, bricklayers and concrete batching plants, and would avoid limits that are unenforceable.	That the following thresholds be put in place for cement as a Class 6.5A respiratory sensitiser: Group 1 – 80kg Group 2 – 50 tonnes Group 3 – 1000kg Group 4 – 30 tonnes Group 5 – 30 tonnes Group 6 – 100 tonnes Group 7 – 1000kg	Yes
Ms Janet Connachie Chem:safety Limited	PC-13-41/i	Table 17.1 - Class 6 thresholds	- 6	With regard to Class 6.1A-C Acutely Toxic, the submitter notes that there is no provision made for toxic gases, and that as written the threshold would not permit at least one very common substance (hydrochloric acid/spirit of salt) in residential areas; and many trade users would require resource consent. With regard to Classes 6.3A&B Skin Irritant and 6.4A Eye Irritant, the submitter suggests that, as these substances have minor, reversible adverse effects, they should not be subject to thresholds. For example, the submitter notes that common salt is a 6.1E, 6.4A substance; many organisations with boilers may hold over 1000kg of salt and would therefore require resource consent.	That the Class 6 thresholds be amended as suggested.	No
Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/h	Table 17.1 - Class 8 thresholds	- 8	The submitter seeks higher thresholds for cement, hydrated lime and burnt lime (as Class 8.2C substances corrosive to the skin). The	That the following thresholds be put in place for cement, hydrated lime and burnt lime, as Class 8.2C	Yes

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Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/i	Table 17.1 Class thresholds - 8	submitter notes that most substances with a class 8.2 skin corrosion classification also have a class 8.3A eye corrosion classification, meaning any thresholds set for class 8.2 become redundant. The submitter considers that the normal use of cement and burnt lime should not have additional consenting requirements, given existing adequate controls (such as the need for filtration and enclosed delivery vehicles) on concrete batching plants, lime users and cement distribution sites. The submitter seeks higher thresholds for cement, hydrated lime and burnt lime (as Class 8.3A substances corrosive to the eye). The submitter considers that the normal use of cement and burnt lime should not have additional consenting requirements, given existing adequate controls (such as the need for filtration and enclosed delivery vehicles) on concrete batching plants, lime users and cement distribution sites. The submitter further notes that hydrated lime is commonly used as a pH correction additive in water treatment plants across New Zealand, with the Council operating plants that require hydrated lime.	substances corrosive to the skin: Group 1 – 80kg Group 2 – 50 tonnes Group 3 – 1000kg Group 4 – 30 tonnes Group 5 – 100 tonnes Group 6 – 100 tonnes Group 7 – 1000kg	Yes
Ms Janet Connochie Chemsafety Limited	PC-13-41/j	Table 17.1 Class thresholds - 8	With regard to Class 8.2A-C Substances Corrosive to Skin, the submitter notes: that no provision has been made for corrosive gases; that quantities should allow for kg or litres; and that the category covers too broad a range of hazards and should be split into several threshold bands. With regard to Class 8.3A Eye Corrosion, the submitter notes that: the threshold is vastly inconsistent with the HSNO regulations, under which thresholds for 8.3A Eye Corrosive are the same as those for 8.2C Skin Corrosive (eyes being effectively a particularly sensitive type of skin). The submitter notes that a wide range of industrial acids, alkalis and cleaning products will be covered by this classification, and further that hydrofluoric acid is a disingenuous example to use for this classification, as it is the 6.1	That the following thresholds be put in place for cement, hydrated lime and burnt lime, as Class 8.3A substances corrosive to the eye: Group 1 – 80kg Group 2 – 50 tonnes Group 3 – 1000kg Group 4 – 30 tonnes Group 5 – 30 tonnes Group 6 – 100 tonnes Group 7 – 1000kg That the issues raised by the submitter be addressed and the Class 8 thresholds amended as suggested.	No

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				acute toxicity and high hazard skin corrosion that are the more significant (life threatening) hazards.		
Mr Grant Anderson Holcim (New Zealand) Limited	PC-13-37/j	Table 17.1 - Class thresholds	9	The submitter notes that provision for Class 9.1D aquatic ecotoxics appears only to apply to materials which have another HSNO subclass, and observes that under this rule, storage of 10000l of vinyl monomer in a super vault tank would be a permitted activity.	That the treatment of materials with a 9.1A-D classification, alongside other HSNO classifications, be clarified.	Yes
Ms Janet Connachie Chem:safety Limited	PC-13-41/k	Table 17.1 - Class thresholds	9	With regard to Class 9.3A-C Terrestrial vertebrates, the submitter notes that most substances toxic to vertebrates are also toxic to people and therefore have Class 6.1 classification. With regard to Class 9.4A-C Terrestrial invertebrates, the submitter notes that it does not necessarily follow that most substances that are toxic to invertebrates (e.g. insects) are also toxic to people.	That the wording of the Class 9.4A-C threshold be reconsidered; no change requested to the Class 9.3A-C threshold.	No
Mr Peter Gilbert LPG Association of New Zealand	PC-13-33/c	Rule 17.5.2		The submitter considers that the necessity to seek controlled activity resource consent for anyone wanting to store LPG in a 222kg cylinder represents an unnecessary duplication of process and increased costs for consumers.	That Rule 17.5.2(i)(b) be deleted.	Yes
Mr Lincoln Coe Port Otago Limited	PC-13-35/g	Rule 17.5.3		The submitter requests that, where hazardous substances are stored, used or disposed of in the Port 1 Zone in a way that does not comply with Rule 17.5.1(viii) (an additional rule proposed by the submitter in submission PC-13-35/d), resource consent for a discretionary (restricted) activity should be required.	That Rule 17.5.3 be amended to add the following: (ii) In the Port 1 Zone, the storage, use or disposal of hazardous substances which does not meet the conditions in 17.5.1(viii).	Yes
Federated Farmers of New Zealand	PC-13-43/f	Assessment Matter 17.6.14		The submitter considers it appropriate that Codes of Practice are taken into consideration when assessing resource consent applications; the submitter further considers that compliance with the Codes of Practice and standards should exempt the activity from requiring resource consent.	The inclusion of Assessment Matter 17.6.14 be supported but that Codes of Practice also be incorporated in the permitted activity framework.	Yes

APPENDIX B:
SUMMARY OF FURTHER
SUBMISSIONS

PROPOSED PLAN CHANGE 13: HAZARDOUS SUBSTANCES – SUMMARY OF FURTHER SUBMISSIONS

Further Submitter Name	ID No.	Support or Oppose	Parts of submission Supported or Opposed	Reasons for Support or Opposition	Decision sought
Federated Farmers of New Zealand	FS-1	Supports in part the submission of Mr Tony Parata (PC-13-30/a, 30/b & 30/d).	Supports the submission of Mr Parata that thresholds for agrichemicals and above ground fuel storage in Rural and Rural Residential Zones should be removed, as these substances are provided for in HSNO. Supports Mr Parata's submission that all activities covered by ERMA, approved Cops or HSNO guidelines should be permitted activities unless HSNO regulations are proven inadequate for a particular site.	Where HSNO requirements are met, any Council rule should align with those in a permitted activity framework.	That the District Plan hazardous substance rules align with HSNO.
		Supports in part the submission of Horticulture NZ (PC-13-32/f & 32/g).	Supports the submission of Horticulture NZ that reference to industry codes of practice be retained in Method 17.4.6. Supports the submission of Horticulture NZ EITHER that all activities that are covered by NZS8409 or that comply with HSNO requirements for on-farm storage of Class 3 fuels in the Rural Zone should be permitted activities OR that the plan change be withdrawn and gap analysis be undertaken to identify issues that are not addressed by HSNO Regs and that therefore require specific District Plan provisions.	Reference to and alignment with industry codes of practice would ensure greater consistency and clarity for plan users. Much of the plan change duplicates HSNO and is complex and confusing. Either the District Plan should align with HSNO in a permitted activity framework, or farm-scale use and storage of hazardous substances in the Rural Zone should be excluded from the definition of hazardous substances and therefore exempt from District Plan control.	That the District Plan refer to and align with industry codes of practice. That either District Plan rules align with HSNO, or farm-scale use and storage of hazardous substances in the Rural Zone be excluded from the definition of hazardous substances.

PROPOSED PLAN CHANGE 13: HAZARDOUS SUBSTANCES – SUMMARY OF FURTHER SUBMISSIONS

Further Submitter Name	ID No.	Support or Oppose	Parts of submission Supported or Opposed	Reasons for Support or Opposition	Decision sought
Federated Farmers of New Zealand	FS-1	Supports the submission of the NZ Fertiliser Manufacturers' Research Assoc. Inc. (PC-13-36/a & 36/b).	Supports the submission of the NZ Fertiliser Manufacturers' Research Assoc. Inc. that permitted activity status be accorded to on-farm storage and use of fertiliser products and that permitted activity conditions be consistent with HSNO fertiliser group standards.	District Plan rules should align with the Fertilisers (Subsidiary Hazard) Group Standard 2006 and the FertResearch Code of Practice for Nutrient Management 2007.	That fertiliser use, storage, transport and disposal be permitted where the relevant Group Standard and Code of Practice is complied with.
		Supports in part the submission of Ravensdown (PC-13-39/a); the supports of the submission of Ravensdown (PC-13-39/b).	Supports the submission of Ravensdown that Rule 17.5.1 be amended to permit hazardous substance use and storage in the Rural, Industrial or Port Zones and to clarify whether District Plan rules apply to each substance singularly or to substances within each HSNO class and sub-class in total. Supports the submission of Ravensdown that Table 17.1 be amended to correct inconsistencies.	Where HSNO requirements are met, any Council rule should align with those in a permitted activity framework. Clarification is required over whether District Plan rules apply to each substance singularly or to substances within each HSNO class and sub-class in total. Table 17.1 should be consistent with HSNO.	That the District Plan hazardous substance rules align with HSNO.

PROPOSED PLAN CHANGE 13: HAZARDOUS SUBSTANCES – SUMMARY OF FURTHER SUBMISSIONS

Further Submitter Name	ID No.	Support or Oppose	Parts of submission Supported or Opposed	Reasons for Support or Opposition	Decision sought
Horticulture New Zealand	FS-3	Part supports and part opposes the submission of Mr Tony Parata (PC-13-30/b-d).	Supports Mr Parata's submission that the thresholds for agricultural and for above-ground fuel storage in the Rural Zone should be removed. Opposes Mr Parata's submission seeking controls on the disposal of hazardous substances.	Agriculture and above-ground fuel storage in the Rural Zone are provided for by HSNO. Some substances, such as agriculturals, can be disposed of appropriately without the need for resource consent.	That the thresholds for agriculturals and for above-ground fuel storage in the Rural Zone be removed.
		Supports the submission of Port Otago Ltd (PC-13-35/a).	Supports Port Otago Ltd's submission that the thresholds should be removed and that HSNO controls be relied on.	Not specified.	That the hazardous substance thresholds be removed from the District Plan and HSNO regulations be relied on.
		Part supports and part opposes the submission of TrustPower Ltd (PC-13-40/a-f).	Supports TrustPower's submission that the District Plan not impose controls that are more stringent than HSNO. Supports TrustPower's submission seeking changes to Objective 17.2.2, Policy 17.3.8, Method 17.4.2 and Method 17.4.5. In particular, the requested change to Method 17.4.2, to limit the Hazardous Substances Register to those sites where resource consent is required, is supported. Opposes TrustPower's submission that Method 17.4.6 be retained with no amendments. Horticulture NZ seek that reference to the HFSR be deleted from this method, but that reference to industry codes of practice be retained.	Not specified.	That the District Plan not impose controls that are more stringent than HSNO. That requested amendments be made to Objective 17.2.2, Policy 17.3.8, and Methods 17.4.2, 17.4.5 and 17.4.6.

PROPOSED PLAN CHANGE 13: HAZARDOUS SUBSTANCES – SUMMARY OF FURTHER SUBMISSIONS

Further Submitter Name	ID No.	Support or Oppose	Parts of submission Supported or Opposed	Reasons for Support or Opposition	Decision sought
Horticulture New Zealand	FS-3	Supports in part the submission of Federated Farmers of NZ (PC-13-43/a-c).	Supports the submissions of Federated Farmers of NZ in favour of: permitted activity status for agricultural chemicals where NZS8409:2004 is complied with; permitted activity status for fertiliser; and alignment with HSNO.	Not specified.	That agricultural chemicals have permitted activity status where NZS8409:2004 is complied with. That fertiliser have permitted activity status. That the District Plan align with HSNO.
		Supports in part the submission of Chemsafety Ltd (PC-13-41/b-k).	Supports the submission of Chemsafety Ltd as it requests amendments to Table 17.1 requirements that are identified as inconsistent with HSNO.	Not specified.	That Table 17.1 be consistent with HSNO.
Port Otago Ltd	FS-4	Supports the submission of the NZ Fertiliser Manufacturers' Research Assoc. Inc. (PC-13-36/a & 36/b).	Supports the submission of the NZ Fertiliser Manufacturers' Research Assoc. Inc. that permitted activity status be accorded to on-farm storage and use of fertiliser products and that permitted activity conditions be consistent with HSNO fertiliser group standards.	The submission identifies as issue with regard to the activity status for fertiliser storage, and inconsistency with HSNO Fertiliser Group Standards. While the submission refers specifically to farming activity, it is likely that there will be similar problems in relation to bulk fertiliser storage within Port or Industrial Zones, and fertiliser transported through the port. District Plan rules must not duplicate HSNO, as this would increase compliance costs relating to hazardous substance use, storage and transportation.	That appropriate rules be put in place for fertiliser products, enabling the storage and transportation of such products in the Port and Industrial Zones as a permitted activity.

PROPOSED PLAN CHANGE 13: HAZARDOUS SUBSTANCES – SUMMARY OF FURTHER SUBMISSIONS

Further Submitter Name	ID No.	Support or Oppose	Parts of submission Supported or Opposed	Reasons for Support or Opposition	Decision sought
Trustpower Ltd	FS-5	Supports the submissions of the Downer EDI Works Ltd (PC-13-38/a&b) and Federated Farmers of NZ (PC-13-43/a).	Supports the submissions of Downer EDI Works Ltd and Federated Farmers of NZ as they seek that District Plan controls be consistent with, and no more stringent than, HSNO regulations.	If the District Plan is inconsistent with HSNO, people who use, transport, store and/or dispose of hazardous substances may be required to obtain resource consent for activities that HSNO permits. This would impose needless duplication, costs and delays, and would be inappropriate and inefficient.	That the District Plan be consistent with, and no more stringent than, HSNO.
		Supports the submission of Horticulture NZ (PC-13-32/d) and supports in part the submission of Horticulture NZ (PC-13-32/f).	Supports the submission of Horticulture NZ seeking clarification around the purpose of Method 17.4.2 and proposing that the method be amended to specify that the Hazardous Substances Register is to be limited to consented activities. Supports in part the submission of Horticulture NZ seeking that reference to industry codes of practice be retained in Method 17.4.6.	It is not feasible to require all hazardous substance activities to be listed on the Hazardous Substance Register; it would be more appropriate to restrict the Register to consented activities. Reference to industry codes of practice is appropriate.	That Method 17.4.2 be amended as requested, and that reference to industry codes of practice be retained in Method 17.4.6.

APPENDIX C:
**AMENDED PLAN CHANGE
PROVISIONS AS RECOMMENDED IN
THE OFFICER'S REPORT**

Section 17

Hazards, Hazardous Substances and Earthworks

17 Hazards, Hazardous Substances and Earthworks

[Amended by Proposed Plan Change 13]

Introduction

The City is subject to a wide range of potential hazards. Its topography (flood plains, steep to rolling hills), geology (clay and loess soils, mudstone formations and volcanic deposits), low lying coastal areas and its proximity to earthquake fault lines, present the City with a likelihood of the occurrence of natural hazards. Technological or 'human induced' hazards such as uncontrolled tussock fires, the failure of structures such as bridges and buildings, and the slumping of abandoned mine shafts are further hazards which could affect the City.

The Abbotsford slip in 1979 increased community awareness of potential land instability in the Green Island/Saddle Hill area. Heavy rainfalls have emphasised the vulnerability of the Taieri Plain and the lower Waikouaiti River to flooding, and of the Otago Peninsula to landslips and soil erosion.

Predicted rises in sea level may affect low-lying coastal areas. These include land developed for residential, industrial and recreational activities. The effects of sea level rise are not expected to be felt during the term of this District Plan. However, it is important to ensure that today's planning decisions allow for the predicted effects of sea level rise in order that life and property are not placed at risk. Council acknowledges that due to the level of development, land lying within the South Dunedin area enclosed by Victoria Road, the extended John Wilson Ocean Drive, Tainui Road, Ravelston Street, Royal Crescent, Portobello Road, Portsmouth Drive, Strathallan Street, Wilkie Road, South Road and Forbury Road will require mitigation works if the sea level rises. Such works are to be undertaken by the Council.

The impact of hazards increases as the number of people increases who are affected by the hazard, or the risk of hazard giving rise to an adverse event. The effects can be localised or widespread.

Hazardous substances and their storage, use, disposal or transport are potential threats to the health and safety of the City's people and to the environment. Such substances include industrial, agricultural, horticultural and household chemicals, medical wastes, petroleum products including LPG and lubricating oils, and radioactive substances.

The Council's role in hazards and hazardous substances management under the Resource Management Act 1991 is defined in section 31(b):

The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of-

- (i) the avoidance or mitigation of natural hazards; and*
- (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances...*

In accordance with sections 35(3) and 35(5)(j) of the Act, the Council is also required to keep reasonably available at its principal office, records of natural hazards and hazardous substances to enable the public to be better informed of their duties and of the functions, powers and duties of the local authority, and to enable them to participate effectively under the Act. *[Amended by Proposed Plan Change 13]*

The Regional Policy Statement for Otago outlines the responsibilities of the Dunedin City Council with regard to natural hazards and hazardous substances in accordance with section 62(1)(i) of the Act.

To address the matters above, the Council will use the measures in the District Plan and other relevant legislation, such as the Building Act 2004, the Civil Defence Emergency Management Act 2002, the Hazardous Substances and New Organisms Act 1996 and the Land Transport Act 1998. The Council also acknowledges that there are other non-statutory mechanisms that can be used to complement the legislative requirements. Examples of these include management and emergency response plans, New Zealand Gazette Notice 26 March 2004- Issue No. 35 et al, ERMA Approved Codes of Practice (HSNOCOP), New Zealand Standards. To illustrate how the use of other legislation and non-statutory mechanisms outside the District Plan are particularly relevant, it is noted that the Council has limited ability to control the effects of the transportation of hazardous substances through the District Plan. While it is useful for the objectives and policies to refer to such effects so that the matter can be at least considered when assessing resource consent applications where the Council has unlimited discretion, the methods of implementation relating to transportation can only rely on other legislative provisions and non-statutory mechanisms. *[Amended by Proposed Plan Change 13]*

This section of the Plan also contains provisions to control earthworks. Earthworks are an essential part of the development of Dunedin's land and economy including the provision of infrastructure. Well-managed earthworks do not give rise to significant adverse environmental effects. However, without careful management, earthworks can result in injury to people and damage to property, exacerbate certain existing hazards, create new hazards, and, if carried out at contaminated sites, release hazardous substances into the environment. Earthworks can also result in adverse effects on rivers, lakes, streams, wetlands, coastal waters and groundwater, visual amenity and landscape, indigenous flora and fauna, high class agricultural soils, and archaeological and cultural sites. In addition, during construction, earthworks can cause adverse effects on local amenity and on locally, regionally and nationally important infrastructure, such as the transportation network, the reticulated water, foul sewer and stormwater networks and the National Grid.

The earthworks provisions in this section of the District Plan work alongside other mechanisms that control earthworks. The Rural and Indigenous Vegetation and Fauna sections of this Plan control the effects of earthworks and other activities on high class soils, Areas of Significant Conservation Value and other areas of coastal habitat, wetland, skink habitat and indigenous vegetation. Certain earthworks will be carried out as part of building work; these will be subject to the New Zealand Building Code and may require a building consent under the Building Act 2004. Other regulatory mechanisms through which earthworks of certain types are controlled include the Historic Places Act 1993, the Regional Plan: Waste for Otago, the Regional Plan: Water for Otago and the Otago Regional Council Flood Protection Management Bylaw 2008.

[Amended by Plan Change 11, 11/10/10]

17.1 Significant Resource Management Issues

Issue 17.1.1

The City's geology and topography are such that natural hazards may occur.

Objective: 17.2.1

Policies: 17.3.1 - 17.3.6

Explanation

Hazard susceptibility varies across the City. The effects of hazards vary depending on where they occur, how many people could be affected and on the type of hazard. The significant natural hazards affecting or likely to affect the City are flooding, coastal erosion, sea level rise, land instability, wind, snow, earthquakes and fire hazards. Of these, flooding is the most commonly occurring natural hazard in the City, especially on the Taieri Plains and low-lying areas near the Waikouaiti River.

It is necessary to ensure that predicted rises in sea level are considered when deciding on further development in areas that may be at risk of inundation.

Issue 17.1.2

There is potential for technological hazards to occur within the City.

Objective: 17.2.1

Policies: 17.3.4, 17.3.7

Explanation

Human activities, for example gas and fuel storage, and abandoned mine shafts, disused sheep dips and toxic and hazardous substance waste storage can create hazards. Awareness of these hazards and their potential location is important in avoiding, remedying or mitigating any adverse effects on subdivision, land use activities, development and the environment. *[Amended by Proposed Plan Change 13]*

Issue 17.1.3

Development has occurred in or adjacent to areas where natural and technological hazards exist or may occur.

Objective: 17.2.1

Policies: 17.3.2 - 17.3.6

Explanation

In the past, development in the City located where it was thought to be appropriate at the time. In some of these areas hazards have occurred which were unexpected or the causes of which were unknown. Such hazards may also occur in the future.

Issue 17.1.4

The characteristics, location and impact of natural and technological hazards require better knowledge and understanding.

Objective: 17.2.1

Policy: 17.3.1

Explanation

Natural and technological hazards may occur without warning or may develop over a period of time. Studies of historical records of climate and events such as flooding, coastal processes, drought, heavy snowfalls, fire, earth movements and earthquakes, as well as knowledge of geology and soil types, and the location of fault lines, are factors in gaining a better understanding of the likelihood of a hazard event occurring and the best means to avoid, remedy or mitigate its effect.

Issue 17.1.5

Effective management needs to be implemented to avoid, remedy or mitigate the effects of hazards.

Objective: 17.2.1

Policies: 17.3.2 - 17.3.8

Explanation

Managing activities to avoid, remedy or mitigate hazards will minimise the costs of clean up and rehabilitation after an event as well as reducing adverse effects on the health and safety of the community.

Issue 17.1.6

The storage, use and transportation ~~and disposal~~ of hazardous substances have the potential for adverse effects on the environment.

Objective: 17.2.2

Policy: 17.3.8

Explanation

Any activities that involve hazardous substances carry a degree of health and other risk to individuals or of damage to the environment. There is also a risk to the economic wellbeing of the City's people and long term commercial viability of the City and its businesses from hazardous substances. The Council has a role in ensuring that the effects of incidents involving hazardous substances are prevented or mitigated. This can be achieved, for example, by the appropriate siting of facilities, establishment of buffer zones and protected routes, together with a requirement for contingency planning by the user concerned. *[Amended by Proposed Plan Change 13]*

Issue 17.1.7

Earthworks are an essential part of the development of Dunedin's land and economy. However, without careful management, earthworks can have a range of adverse effects on safety, property and the environment. [Inserted by Plan Change 11, 11/10/10]

Objective: 17.2.3

Policy: 17.3.9

Explanation

Adverse effects of earthworks can include the following:

- Unstable cuts and fill may cause instability to land and buildings.
- Redirection of surface water may cause flooding or erosion.
- Exacerbation of existing instability and flooding hazards.
- The release of hazardous substances from contaminated land into the wider environment.
- Sedimentation of water bodies.
- Disturbance and contamination of groundwater.
- Adverse visual and amenity impacts.
- Impacts occurring during earthworks construction, including noise, vibration, dust, mud and impacts on infrastructure, such as the transportation network, the reticulated water, foul sewer and stormwater networks and the electricity transmission network.
- Loss of or damage to natural landforms, vegetation and habitats.
- Destruction, damage or modification of archaeological and cultural sites.
- Depletion of high class soils.

17.2 Objectives

Objective 17.2.1

Ensure the effects on the environment of natural and technological hazards are avoided, remedied or mitigated.

Issues: 11.1.7, 17.1.1 - 17.1.5

Policies: 17.3.1 - 17.3.7

AER: 17.9.1

Explanation

The Council has an obligation under the Act to control the effects of the use, development or protection of land including avoiding or mitigating the effects of natural hazards. Buildings, structures and people need to be protected from hazards. The Council must ensure it is able to respond adequately to the threat and effects of hazards within the City. This includes a response capacity for dealing with natural and post event hazards; for example structural engineering advice for seismically or fire affected buildings and infrastructural services and active participation in the NZ Fire Service chaired Hazardous Substances Technical Liaison Committee (HSTLC) and NZ Police chaired Emergency Services Coordinating Committee (ESCC). The Council also ensures that any proposed subdivision, land use activities or development will not cause or be affected by hazards. In assessing the effects of hazards, attention will be given to the acceptable level of risk and any potential adverse effects. *[Amended by Proposed Plan Change 13]*

There is a need to plan for known potential hazards and for anticipated hazards. This requires an understanding of hazards as well as up to date information on those hazards which may affect the City. Effective planning is needed to reduce risks to people and resources. The responses will vary according to the characteristics of the hazard and the affected areas.

Objective 17.2.2

Prevent or mitigate the adverse environmental effects and risks arising from facilities and activities involving the storage, use, disposal or transportation of hazardous substances.

Issue: 17.1.6

Policy: 17.3.8

AER: 17.9.2

Explanation

Facilities or activities involving hazardous substances and hazardous wastes generated by the use of hazardous substances may cause adverse environmental effects when the substances are not controlled adequately or when they escape into the environment. Such releases, whether accidental, or through poor management practices, may cause environmental contamination (including contaminated sites) or injury. To avoid, remedy or mitigate potential adverse effects, these facilities and activities need to be located appropriately and managed correctly. In assessing the effects of hazardous substances, attention will be given to the acceptable level of risk and any potential adverse effects. *[Amended by Proposed Plan Change 13]*

Objective 17.2.3

Earthworks in Dunedin are undertaken in a manner that does not put the safety of people or property at risk and that minimises adverse effects on the environment. [Inserted by Plan Change 11, 11/10/10]

Issue: 17.1.7

Policy: 17.3.9

AERs: 17.7.3, 17.7.4, 17.7.5

Explanation

Earthworks are an essential part of the development of Dunedin's land and economy, but can have adverse effects on people, property and the environment if they are not well-managed. A balance can be struck between providing for earthworks and controlling their adverse effects, through the careful design and location of earthworks, the avoidance of significant works in sensitive locations and the implementation of appropriate mitigation measures.

17.3 Policies

Policy 17.3.1

Gather and maintain accurate information about, and encourage research into, the location and causes of hazards and the risks associated with them, and the potential for adverse effects of hazards within the City.

Objective: 17.2.1

Methods: 17.4.1, 17.4.2, 17.4.5

Explanation

The community, the Council and other agencies need to be aware of hazards and the risks involved in order to make informed decisions and to avoid, remedy or mitigate the adverse effects of these hazards. An information base that is up to date and comprehensive is essential for well-informed decision making.

Greater understanding of the natural hazards affecting or likely to affect the City, will enable better informed decisions to be made. There are many agencies with expertise and an interest in the natural hazards of the City and the region, and the Council will work with them to increase understanding.

Policy 17.3.2

Control building and the removal of established vegetation from sites or from areas which have been identified as being, or likely to be, prone to erosion, falling debris, subsidence or slippage.

Objective: 17.2.1

Methods: 17.4.3 - 17.4.5

Explanation

Land movement affects significant areas of the City and, in many instances, stabilisation would be difficult. Intensive development of such areas is undesirable. In other areas where the causes of the land instability are understood and can be avoided, remedied or mitigated on a long term basis, further limited development may be allowed. An example of the way in which adverse effects can be avoided, remedied or mitigated is by the undertaking of tree planting in affected areas.

Policy 17.3.3

Control development in areas prone to the effects of flooding.

Objective: 17.2.1

Methods: 17.4.3, 17.4.4

Explanation

Areas of the City are contained within flood plains which are protected by protective works.¹ Intensive development in such areas needs to be controlled and the ground and floor levels of new buildings defined to ensure that the effects of flooding on new developments are avoided or mitigated.

¹ Refer to the Hazards Register.

Policy 17.3.4

Control development of areas located over underground mines.

Objective: 17.2.1

Methods: 17.4.3, 17.4.4

Explanation

While substantial records of mining in the area are available, these are of variable accuracy and detail. Accurate definition of all areas affected, or likely to be affected, is not possible. The effects of mining on the surface depend on the strata overlying the mines and their depth. Such information, while it can be inferred, is not always specifically known and indications of mine collapse have occurred on the surface in the past. Intensive development in such areas is undesirable unless the underlying features are determined and remedial actions are possible and taken.

Policy 17.3.5

Control development in those areas identified as being likely to be affected by a rise in sea level.

Objective: 17.2.1

Methods: 17.4.3 - 17.4.5, 17.4.9

Explanation

A rise in sea level has been predicted as a probable consequence of global warming although the rate at which it will occur is subject to some debate. Sea level rise predictions based on present world environmental conditions continuing² is regarded as the best approach when considering long term planning and development issues.³ Approval of development near the coast or in low-lying areas nearby should take this into account.

Monitoring by the scientific community of the effects of global warming and any consequent amendment to the prediction for a sea level rise may mean that requirements will change over time.

² That is, the 'business as usual scenario', prepared by the UN - based 'Intergovernment Panel on Climate Change'.

³ The IPCC prediction (1990) is for a sea level rise of 0.2 m (range 0.1 to 0.3 m) by year 2030, and 0.66 m (range 0.3 to 1.1 m) by year 2100.

Policy 17.3.6

Control development in those areas located within or adjacent to land affected by, or likely to be affected by, coastal hazards.

Objective: 17.2.1

Methods: 17.4.3 - 17.4.5, 17.4.9

Explanation

Erosion and changes to the coastline are the result of continuing natural processes. Attempts to control these effects are often inadequate and in some instances have aggravated them. Measures which reinforce natural processes are more likely than others to be successful. Where development is proposed adjacent to the coastline, adequate buffer zones which provide long term security must be provided. Before any development is approved, the mechanism of any hazards affecting the land must be understood, and measures taken to avoid or mitigate them.

Policy 17.3.7

Encourage developers constructing new buildings or making substantial alterations to existing structures adjacent to arterial routes, to locate them so as to avoid the possibility of those routes being obstructed by debris resulting from the collapse of those structures.

Objective: 17.2.1

Method: 17.4.3

Explanation

Access to critical facilities and the rapid evacuation of people and resources are vital if the community is to be able to respond in the event of an earthquake occurring. The prevention or avoidance of building collapses affecting the principal routes will aid the community response.

Policy 17.3.8

Control activities involving the storage, use, disposal and transportation of hazardous substances, and identify sites where hazardous substance processes and facilities which ~~pose a risk to the environment and to health and safety~~ require resource consent are located. [Amended by Proposed Plan Change 13]

Objective: 17.2.2

Methods: 17.4.1, 17.4.2, 17.4.6 - 17.4.8, 17.4.10

Rules: 17.5.1 - 17.5.4

Explanation

Local authorities have the responsibility to manage the effects of land use. The nature and scale of environmental effects and risk associated with hazardous substances are influenced by their location. This includes their proximity to sensitive environmental areas or residential areas, schools, hospitals, emergency services and arterial routes. Specific controls relating to the use, storage, disposal and transportation of hazardous and environmentally damaging substances will affect the nature and scale of risk and environmental effects. While the Council has limited ability to control the effects of the transportation of hazardous substances through the District Plan, it is a matter that can be at least considered when assessing resource consent applications where the Council has unlimited discretion.

Policy 17.3.9

Control earthworks in Dunedin according to their location and scale. *[Inserted by Plan Change 11, 11/10/10]*

Objective: 17.2.3
Methods: 17.4.4, 17.4.8, 17.4.12
Rules 17.7.1 – 17.7.5

Explanation

The degree to which earthworks adversely affect safety, property and the environment is dependent on the scale and location of the activity.

Resource consent is required only where the scale and/or location of earthworks are such that adverse effects are likely. Where resource consent is required, the range of effects assessed is tailored to the scale and location of the earthworks. Appropriate mitigation measures will be imposed to minimise any potential adverse effects; such measures may include but will not be limited to reduction in the scale of the earthworks. Earthworks should not occur in any areas where it is not possible to avoid, remedy or mitigate their effects.

17.4 Methods of Implementation

In addition to the rules, the methods to be used to achieve the objectives and policies identified in this section include the following:

Method 17.4.1 Hazards Register

Compile, maintain and provide access for the public to a Hazards Register containing information on the location and nature of identified or potential:

- flood prone areas, including tsunami hazard
- areas of land instability
- coastal sites susceptible to coastal erosion and sea level rise
- areas prone to subsidence or inundation
- geological hazards such as fault lines, and areas susceptible to amplified ground shaking and liquefaction
- areas prone to high wind and heavy snowfalls
- areas prone to drought
- technological hazards such as underground mining activities, areas of infilling, closed landfills, disused gas works sites, former hazardous substances manufacturing or disposal areas.

The Hazards Register will be publicly available at the Dunedin City Council.

Policies: 17.3.1, 17.3.8

Method 17.4.2 Hazardous Substances Register

Compile and maintain a Hazardous Substances Register⁴ listing the locations and types of consented activities that generate, use, store, or transport ~~dispose of~~ hazardous substances, including explosives, flammable gases, liquids, and solids, oxidizers, toxics, corrosives, ecotoxics, and hazardous wastes exhibiting the preceding characteristics. The register will also include information on known contaminated sites. Enquiries regarding the Hazardous Substances Register should be directed to the Dunedin City Council. *[Amended by Proposed Plan Change 13]*

Policies: 17.3.1, 17.3.8

Method 17.4.3 Land and Project Information Memoranda

Use the Land Information Memorandum and Project Information Memorandum processes to identify whether or not an activity or structure is proposed to be located on a site identified as hazard-prone in the Hazards Register, or a site which the Council has good cause to suspect may be prone to a hazard. The Council will encourage applicants to apply for Project Information Memoranda in advance of building consent and resource consent applications.

Policies: 17.3.2 - 17.3.7

⁴ On 1 April 2004, all Dunedin City Council Dangerous Goods Licences expired. From this date they became the responsibility of the Environmental Protection Agency (EPA) under the Hazardous Substances and New Organisms Act 1996. All new licences for hazardous substances are now issued by independent Test Certifiers approved by the EPA. The Council no longer holds current information on the use of hazardous substances where resource consent is not required and hazardous substances may be present without the Council's knowledge. *[Inserted by Proposed Plan Change 13]*

Method 17.4.4 Information Requirements for Hazardous Sites

Where any proposed activity that:

- (a) requires an application for resource consent and involves earthworks;
- (b) requires an application for subdivision consent or other resource consent where discretion is unrestricted; and/or
- (c) requires an application for building consent

is to be located on a site identified as hazard-prone in the Hazards Register or on a site that the Council, with good cause, suspects to be hazard-prone, the Council may, at its discretion, require that the relevant consent application includes the results of a site investigation and assessment carried out by a suitably qualified person. *[Amended by Plan Change 11, 11/10/10]*

Policies: 17.3.2 - 17.3.6, 17.3.9

Method 17.4.5 Liaison

- (i) Liaise with other agencies, including ~~ERMA~~, EPA, Department of Labour, Ministries of Health and the Environment, Test Certifiers and affected landowners to gather, collate, share and provide information on known hazards, and develop measures to encourage sustainable land use practices in hazard-prone areas. *[Amended by Proposed Plan Change 13]*
- (ii) Liaise with agencies responsible for preparing industry and building codes of practice that avoid, remedy or mitigate hazards and improve the community's awareness, and encourage implementation of these codes of practice.

Policies: 17.3.1, 17.3.2, 17.3.5

Method 17.4.6 Accords and Protocols

The Council will assess resource consent applications for the establishment and operation of hazardous processes and facilities within the City. Existing facilities will be subject to the same procedures should they expand or alter their operations or inputs. *[Amended by Proposed Plan Change 13]*

Policy: 17.3.8

Method 17.4.7 Advocacy

- (i) Encourage the implementation of environmentally acceptable technologies in the storage, use, disposal, or transportation of hazardous substances.
- (ii) Encourage voluntary agreements on transport routes to avoid sensitive activities such as hospitals.

Policy: 17.3.8

Method 17.4.8 Information, Education and Public Awareness

- (i) Produce brochures and advise the public about any relevant changes in legislation or controls administered by the Council that may affect hazardous processes and facilities.
- (ii) Promote increased awareness and knowledge among developers and operators of the environmental risks associated with hazardous substances.
- (iii) Provide advice and information to the public regarding the potential impacts of earthworks and methods for mitigating those impacts. *[Amended by Plan Change 11, 11/10/10]*

Policies: 17.3.8, 17.3.9

Method 17.4.9 Works Programmes

Consider the implementation of works necessary to avoid, remedy or mitigate the potential adverse effects of natural hazards in particular areas of the City.

Policies: 17.3.5, 17.3.6

Method 17.4.10 Management Plans

- (i) Require, where appropriate, the preparation and operation of site management and emergency response management plans for hazardous substances.
- (ii) The Council will encourage initiatives which involve formulating responses to natural hazards.

Policy: 17.3.8

Method 17.4.11 Zoning

Ensure that the adverse effects of natural hazards can be avoided, remedied or mitigated by restricting the scale and density of development in potentially hazard prone areas through the use of zoning.

Policies: 4.3.7, 4.3.9, 6.3.4, 6.3.14, 17.3.2, 17.3.3, 17.3.4, 17.3.5.

[Inserted by Variation 9A, 2/3/04]

Method 17.4.12 Guidelines

Provide guidelines with information on best management practices for earthworks activities, including:

- (i) An Accidental Discovery Protocol to be followed in the event that archaeological material is discovered during earthworks.
- (ii) Sediment control techniques.

Policy: 17.3.9

[Inserted by Plan Change 11, 11/10/10]

17.5 Rules: Hazardous Substances

Note to Plan Users:

- 1) *In addition to these District Plan rules, the provisions of the following legislation may also be applicable to activities involving hazardous substances:*
 - *Hazardous Substances and New Organisms (HSNO) Act 1996 and regulations*
 - *Medicines Act 1981*
 - *Health and Safety in Employment Act 1992*
 - *Building Act 2004*
 - *Health Act 1956*
 - *Radiation Protection Act 1965*
- 2) *Compliance with the following District Plan provisions does not ensure compliance with the Hazardous Substances and New Organisms (HSNO) Act 1996 and often separate approvals will be required under this Act. Any permitted activity included within this section must also comply with sections 15 and 17 of the Resource Management Act 1991. In addition, activities involving hazardous substances may also require resource consent from the Otago Regional Council.*
- 3) *Table 17.1 contains maximum permitted quantity thresholds (plus, in certain cases, storage requirements) for the storage, use or transportation of different types of hazardous substance, as classified via the Hazardous Substance (Classification) Regulations 2001. The quantities vary according to District Plan zone and/or activity type. Where the requirements set out in this table are not met, resource consent will be required under Rule 17.5.2, 17.5.3 or 17.5.4 of this Plan. [Inserted by Proposed Plan Change 13]*
- 4) *Unless otherwise stated, if a hazardous substance falls into more than one HSNO sub-class and is therefore controlled by more than one maximum permitted quantity threshold, the more or most restrictive quantity threshold applies. [Inserted by Proposed Plan Change 13]*
- 5) *All volumes shall be aggregated i.e. as a permitted activity a site may hold the maximum threshold identified in Table 17.1 of each Class 1 plus Class 2 plus Class 3 and/or Class 4.1.3A-C plus Class 4.2A plus Class 4.3A etc. [Inserted by Proposed Plan Change 13]*
- 6) *The permitted quantity thresholds in this table apply per site, except for the Campus, Port 1 and 2, Airport, Industrial 1 zones and forestry and timber treatment activities in the Rural zone, where the permitted quantity thresholds apply per hazardous sub-facility. Where more than one activity is carried out per site or hazardous sub-facility, each hazardous sub-facility shall comply with Table 17.1, otherwise resource consent will be required under Rule 17.5.2, 17.5.3 or 17.5.4 of this Plan. [Inserted by Proposed Plan Change 13]*
- 7) *Central, Large Scale Retail and Local Activity Zones are included in Table 17.1 within the Group 2 section. [Inserted by Proposed Plan Change 13]*
- 8) *Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight shall be considered (for the purposes of this table) to be that present in conditions of 20°C and 101.3kPa otherwise resource consent will be required under rule 17.5.2, 17.5.3 or 17.5.4 of this Plan. [Inserted by Proposed Plan Change 13]*
- 9) *The disposal of hazardous substances is adequately controlled by the HSNO Act and by the Regional Plan: Waste for Otago and is not controlled by the District Plan. [Inserted by Proposed Plan Change 13]*

Rule 17.5.1 Permitted Activities *(Policy 17.3.8)*

The following activities are permitted activities:

- (i) The storage and use of hazardous substances for domestic purposes, associated with a lawfully established residential activity, excluding home occupation. The hazardous substance(s) must form part of a consumer product intended for domestic use. The product must be stored in the container or packaging in which it was sold, and used or disposed of in accordance with the manufacturer's instructions. *[Amended by Proposed Plan Change 13]*
- (ii) The storage and use of fuel in and other substances that are contained in the fuel system, electrical system or control system of motor vehicles, boats, aircraft and small engines. *[Amended by Proposed Plan Change 13]*
- (iii) The storage and use of agrichemicals within the Group 4 Rural Zone, in accordance with NZS8409:2004. *[Inserted by Proposed Plan Change 13]*
- (iv) The storage and use of Class 3 fuels within the Group 4 Rural Zone in accordance with the Environmental Protection Agency's Approved Practice Guide for Above-Ground Fuel Storage on Farms, September 2010. *[Inserted by Proposed Plan Change 13]*
- (v) The storage and use of fertiliser within the Group 4 Rural Zone in accordance with the Fertiliser (Subsidiary Hazard) Group Standard and FertReaserch's Code of Practice for Nutrient Management 2007. *[Inserted by Proposed Plan Change 13]*
- (vi) The storage and use of transformer cooling oils in electricity transformers. *[Inserted by Proposed Plan Change 13]*
- (vii) The transit and two-hour storage maximum of tracked hazardous substances within the Port and Industry Zones. *[Inserted by Proposed Plan Change 13]*
- (viii) The transit and 72 hour storage maximum of non-tracked hazardous substances within the Port 1, Port 2 or Industrial 1 zones. *[Inserted by Proposed Plan Change 13]*
- (ix) The storage of hazardous substances within either the Port 1, Port 2 or Industrial 1 zones, with either a hazardous substance location or transit depot certificate issued pursuant to the Hazardous Substances (Classes 1 to 5) Regulations 2001 *[Inserted by Proposed Plan Change 13].*
- (x) The storage of hazardous substances in sealed containers with test location certification, within the Group 6 Port Zone. *[Inserted by Proposed Plan Change 13]*
- (xi) Unless provided for by Rules 17.5.1(i)-(viii), the storage, use, or disposal transportation of hazardous substances not exceeding the quantity limits and other requirements stipulated in Table 17.1. *[Amended by Proposed Plan Change 13]*
- ~~(iv) Table 17.1 contains maximum permitted quantity thresholds (plus, in certain cases, storage requirements) for the storage, use or disposal of different types of hazardous substance, as classified via the Hazardous Substance (Classification) Regulations 2001. The quantities vary according to District Plan zone and/or activity type. Where the requirements set out in this table are not met, resource consent will be required under Rule 17.5.2, 17.5.3 or 17.5.4 of this Plan.~~
- ~~(v) Unless otherwise stated, if a hazardous substance falls into more than one HSNO sub-class and is therefore controlled by more than one maximum permitted quantity threshold, the more or most restrictive quantity threshold applies.~~
- ~~(vi) The permitted quantity thresholds in this table apply per site, except for the Campus, Port 1, Airport, Industrial 1 zones and forestry and timber treatment activities in the Rural zone, where the permitted quantity thresholds apply per hazardous sub facility. Where more than one activity is carried out per site or hazardous sub facility, each hazardous sub facility shall comply with Table 17.1, otherwise resource consent will be required under rule 17.5.2, 17.5.3 or 17.5.4 of this Plan.~~

- (vii) ~~Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight shall be considered (for the purposes of this table) to be that present in conditions of 20°C and 101.3kPa otherwise resource consent will be required under rule 17.5.2, 17.5.3 or 17.5.4 of this Plan.~~

Table 17.1

Substance	HSNO sub-class and hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, exc. residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Explosives	1.1A-G, J, L Mass explosion hazard	Gunpowder and black powder	5kg 15kg	15kg	0	5kg 15kg	0	0	0
		Display fireworks	0						
		Industrial explosives (e.g. TNT) and all other 1.1	0	25kg	0	25kg	25kg	No threshold	0
		All	No thresholds						
Explosives	1.2B-L Projection hazard	Smokeless ammunition reloading powder	15kg	50kg	0	15kg	15kg	No threshold	15kg
		Retail fireworks	No thresholds – refer to Hazardous Substance (Fireworks) Regulations 2001						
	1.3C, F-L Fire and minor blast hazard	All other 1.3	No thresholds						
		Safety ammunition and marine flares	45kg 25kg	50kg	5kg	45kg 25kg	15kg	50kg	No threshold
	1.4B-G, S No significant hazard	Retail fireworks	No thresholds – refer to Hazardous Substance (Fireworks) Regulations 2001						
		Sodium Azide	0						
Explosives	1.5D Very insensitive, with mass explosion hazard 1.6N Extremely insensitive, no mass explosion hazard	All other 1.4	No thresholds						
		All	No thresholds						
		All	No thresholds						

Substance	HSNO sub-class and hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Gases and aerosols	2NH (Non-Hazardous)	All	10m ³	200m ³	200m ³ 500 litres of non-flammable, non-toxic cryogenic liquids stored in accordance with AS1894:1997	200m ³	200m ³	200m ³	200m ³
		LPG (inc. propane-based refrigerant) in cylinders	20kg per dwelling (except for multi storey attached dwellings of over 3 storeys where no more than 10kg per dwelling with max cylinder size of 10kg) 180kg (outdoor storage)	20kg (indoor storage) 180kg (outdoor storage) 200kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders.	20kg (indoor storage) 180kg (outdoor storage) 200kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders.	20kg (indoor storage) 180kg (outdoor storage) 200kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders.	20kg (indoor storage) 180kg (outdoor storage) 200kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders.	20kg (indoor storage) 180kg (outdoor storage) 200kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders.	20kg (indoor storage) 180kg (outdoor storage) 200kg Total Storage Quantity providing indoor storage is no more than four 45kg cylinders.
		LPG propane-based refrigerant in commercial refrigeration receivers	0	50kg	50kg	50kg	50kg	50kg	50kg
Gases and aerosols	2.1.1A High hazard flammable gases	LPG (inc. propane-based refrigerant) in single vessel tanks or 222kg cylinder installations.	0	0	0	0	0	0	0
		LPG (inc. propane-based refrigerant) in multi-vessel tanks.	0	0	0	0	0	0	0
		Acetylene	0	2m ³	30m ³	30m ³	30m ³	30m ³	30m ³
		Hydrogen, methane and all other permanent gases Other liquefiable flammable gases	0	0	30m ³	100m ³	30m ³	30m ³	50kg

Substance	HSNO sub-class and hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Gases and aerosols	2.1.1B Medium hazard flammable gases	Anhydrous ammonia refrigerant	0	140kg	0	0	0	140kg	140kg
	2.1.2A Flammable aerosols	All other 2.1.1B	No thresholds	450 litres	450 litres	450 litres	450 litres	450 litres	450 litres
Flammable liquids (stored above ground in containers ≤450 litres)	3.1A Liquid: Very high hazard (flash point <23°C, initial boiling point ≤35°C)	Petrol	10 litres inside dwelling. 50 litres outside dwelling. (No storage in metal drums)	50 litres (any storage except metal drums). 250 litres in Dangerous Goods cabinet approved to AS 1940. 420 litres in approved HSNNO 'Type' stores.	2000 litres	2000 litres	50 litres (any storage except metal drums). 250 litres in Dangerous Goods cabinet approved to AS 1940. 420 litres in approved HSNNO 'Type' stores.	450 litres	450 litres
	3.1B Liquid: High hazard (FP<23°C, IBP>35°C)	All other All – e.g. acetone, paint spray thinners, pure alcohol	0 10 litres	10 litres (any storage). 250 litres in Dangerous Goods cabinet approved to AS 1940. 450 litres in approved HSNNO 'Type' stores. - Large scale retail activities only: 1500 litres in containers of up to 5 litres each. - Group 6: Port zone are permitted to hold 1500 litres in containers of up to 20 litres where a test location certificate is held.	50 litres	50 litres	50 litres	50 litres	50 litres
	3.1A Petrol plus 3.1B	Petrol plus any 3.1B substance – cumulative total limit	10 litres inside dwelling. 50 litres outside dwelling. (No storage in metal drums)	50 litres (any storage except metal drums). 250 litres in Dangerous Goods cabinet approved to AS 1940. 420 litres in approved HSNNO 'Type' stores.	2000 litres	2000 litres	50 litres (any storage except metal drums). 250 litres in Dangerous Goods cabinet approved to AS 1940. 420 litres in approved HSNNO 'Type' stores.	2000 litres	50 litres (any storage except metal drums). 250 litres in Dangerous Goods cabinet approved to AS 1940. 420 litres in approved HSNNO 'Type' stores.
	3.1C Liquid: Medium hazard (FP>23°C, but ≤35°C)	All – e.g. kerosene, aviation kerosene	20 litres inside dwelling. 50 litres outside dwelling.	250 litres	450 litres	250 litres	250 litres	250 litres	250 litres
	3.1D Liquid: Low hazard (FP>60°C, but ≤93°C)	All – e.g. diesel, petroleum fuel oils	20 litres inside dwelling. 209 litres outside dwelling	10 litres (any storage). 250 litres in Dangerous Goods cabinet approved to AS 1940. 450 litres in approved HSNNO 'Type' stores. - Large scale retail activities only: 1500 litres in containers of up to 5 litres	450 litres	450 litres	450 litres	450 litres	450 litres

Substance	HSNO sub-class and hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Flammable liquids (stored above ground in containers >450 litres)	3.1A Liquid: Very high hazard (flash point <23°C, initial boiling point ≤35°C)	Petrol	0	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 2000 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 2000 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.
	3.1B Liquid: High hazard (FP<23°C, IBP>35°C)	All others	0						
		All – e.g. acetone, paint spray thinners, pure alcohol	0	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.	• Certified Single skin tanks: 0. • Certified Double skin tanks: 600 litres.
	3.1C Liquid: Medium hazard (FP≥23°C, but ≤35°C)	All – e.g. kerosene, aviation kerosene	0	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 10000 litres.	• Single skin tanks: 450 litres. • Double skin tanks: 2000 litres. • Super vault tanks constructed to SWRI standards: 10000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 30000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 30000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 30000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 30000 litres.
	3.1D Liquid: Low hazard (FP>60°C, but ≤93°C)	All – e.g. diesel, petroleum fuel oils	0	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 600 litres. • Certified Super vault tanks constructed to South Western Research Institute (SWRI) standards: 10000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 10000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 30000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 30000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 30000 litres.	• Certified Single skin tanks: 450 litres. • Certified Double skin tanks: 2000 litres. • Certified Super vault tanks constructed to SWRI standards: 30000 litres.

Substance	HSNO sub-class and hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding res activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Flammable liquids (stored below ground)	3.1A, 3.1B, 3.1C, 3.1D	All	0						
Flammable liquids (any storage)	3.2A, 3.2B & 3.2C Liquid desensitised explosive: High, medium & low hazard	All	0						
Flammable solids	4.1.1A Readily combustible solids and solids that may cause fire through friction: Medium hazard	All	0	50kg	50kg	50kg	50kg	50kg	50kg
	4.1.1B Readily combustible solids and solids that may cause fire through friction: Low hazard	All	0	500kg	500kg	500kg	500kg	500kg	500kg
	4.1.2A&B Self-reactive: Types A&B	All	0	50kg	50kg	50kg	50kg	50kg	50kg
	4.1.2C-G Self-reactive: Types C-G	All	0	500kg	500kg	500kg	500kg	500kg	500kg

Substance	HSNO sub-class and hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Flammable solids	4.1.3A-C Solid desensitized explosives	All	0		0 5kg	0			
	4.2A&B Spontaneously combustible – Pyrophoric substances: High hazard & Self-heating substances: Medium hazard	All	0	50kg	50kg	50kg	50kg	50kg	50kg
	4.2C Spontaneously combustible – Self-heating substances: Low hazard	All	0	500kg	500kg	500kg	500kg	500kg	500kg
	4.3A&B Solids that emit flammable gas when wet: High & medium hazard	All	0	50kg	50kg	50kg	50kg	50kg	50kg
	4.3C Solids that emit flammable gas when wet: Low hazard	All	0	500kg	500kg	500kg	500kg	500kg	500kg

Substance	HSNO sub-class and hazard classification	Substances	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Oxidising substances	5.1.1 A-C Liquids & solids	All	10 litres if liquid, 10kg if solid	200 litres if liquid, 200kg if solid	200 litres if liquid, 200kg if solid	No threshold	200 litres if liquid, 200kg if solid	200 litres if liquid, 200kg if solid	200 litres if liquid, 200kg if solid
		Oxygen	5.5m ³	1000m ³	500m ³	200m ³	200m ³	200m ³	200m ³
	5.1.2 A Gases	Nitrous oxide (Except as stored and used in accordance with HSNO requirements within medical facilities)	0	300cm ³ for catering purposes only	0				
Toxic substances	5.2 A-G Organic Peroxide; Types A-G	Chlorine	0						
		All - e.g. MEKP Polyester resin catalyst	0.5 litres	16 litres	0.5 litres	0.5 litres	0.5 litres	0.5 litres	0.5 litres
		Anhydrous ammonia refrigerant	0	140litres if liquid, 140kg if solid or 140m ³ if gas	0	0	0	140litres if liquid, 140kg if solid or 140m ³ if gas	140litres if liquid, 140kg if solid or 140m ³ if gas
		Chlorine	0	0	0	0	0	0	0
		All other substances	0	20 litres if liquid, 20kg if solid, 20m ³ if gas	20 litres if liquid, 20 100kg if solid, 100m ³ if gas	20 litres if liquid, 20kg if solid, 20m ³ if gas	20 litres if liquid, 20kg if solid, 20m ³ if gas	20 litres if liquid, 20kg if solid, 20m ³ if gas	20 litres if liquid, 20kg if solid, 20m ³ if gas
	6.1 D&E and 6.3 A&B Skin irritant	All	No thresholds 1litre if liquid, 1kg if solid or 1m ³ if gas	No thresholds 200 litres if liquid, 200kg if solid or 200m ³ if gas	No thresholds 1000 litres if liquid, 1000kg if solid or 1000m ³ if gas	No thresholds 2000 litres if liquid, 2000kg if solid or 2000m ³ if gas	No thresholds 1000 litres if liquid, 1000kg if solid or 1000m ³ if gas	No thresholds 1000 litres if liquid, 1000kg if solid or 1000m ³ if gas	No thresholds 1000 litres if liquid, 1000kg if solid or 1000m ³ if gas

Substance	HSNO sub-class and hazard classification	Substances	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Toxic substances	6.4A Eye irritant	Cement, Hydrated Lime and Burnt Lime	80kg	50 tonne	1000kg	30 tonne	30 tonne	100 tonne	1000kg
		All Others	1kg	2000kg	1000kg	2000kg	1000kg	1000kg	1000kg
	6.5A&B Respiratory & contact sensitizers	Cement, Hydrated Lime and Burnt Lime	80kg	50 tonne	1000kg	30 tonne	30 tonne	100 tonne	1000kg
		All Others	1kg	2000kg	1000kg	2000kg	1000kg	1000kg	1000kg
	6.6A&B Human mutagens	All	1kg	2000kg	1000kg	2000kg	1000kg	1000kg	1000kg
	6.7A&B Carcinogens	All	1kg	200kg	1000kg	200kg	1000kg	1000kg	1000kg
Radioactive materials	6.8A-C Human reproductive or developmental toxicants	All	0	0	0	0	0	0	0
	6.9A&B Substances affecting human target organs or systems	All	0	0	0	0	0	0	0
	These substances are controlled through the Radiation Protection Act 1965 rather than through HSNO.	All							
	Quantities specified in the 'Type A' transport package limit, as identified in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material. Examples: domestic smoke detectors, demonstration radioactive sources in school laboratories.								

Substance	HSNO sub-class and hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Corrosives	8.1A Substances corrosive to metals	All	5 litres	1000 litres	1000 litres	1000 litres	5000 litres	1000 litres	1000 litres
	8.2A-C Substances corrosive to skin	Cement, Hydrated Lime and Burnt Lime	80kg	50 tonne	1000kg	30 tonne	30 tonne	100 tonne	1000kg
	8.3A Substances corrosive to the eye	All	5 litres	1000 litres	1000 litres	1000 litres	5000 litres	1000 litres	1000 litres
		Cement, Hydrated Lime and Burnt Lime	80kg	50 tonne	1000kg	30 tonne	30 tonne	100 tonne	1000kg
Ecotoxics	9.1A-D Aquatic ecotoxics and 9.2A-D Soil ecotoxics	All — e.g. hydrofluoric acid	0 5 litres	5 litres 1000 litres	5 litres 1000 litres	0 1000 litres	0 5000 litres	0 1000 litres	0 1000 litres
		All subclass 9.1-9.2 substances that do not also fall into another HSNO subclass. For example, transformer coolant oils and vinyl monomer. Storage underground.	0	See base Class thresholds	0	See base Class thresholds	0	See base Class thresholds	0
		All	0	NB- Where a substance requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter 17.6.8	0	NB- Where a substance requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter 17.6.8	0	NB- Where a substance requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter 17.6.8	0
		All	0	No thresholds (see Class 6 thresholds, since all substances in this sub-class also fall within Class 6).	0	No thresholds (see Class 6 thresholds, since all substances in this sub-class also fall within Class 6).	0	No thresholds (see Class 6 thresholds, since all substances in this sub-class also fall within Class 6).	0
Ecotoxics	9.3A-C Terrestrial vertebrate ecotoxics	All	0	See base Class thresholds	0	See base Class thresholds	0	See base Class thresholds	0
	9.4 A-C Terrestrial invertebrate ecotoxics	All	0	NB- Where a substance requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter 17.6.8	0	NB- Where a substance requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter 17.6.8	0	NB- Where a substance requires resource consent and also has an ecotoxic class, the ecotoxicity shall be taken into consideration as part of Assessment Matter 17.6.8	0

Substance	HSNO sub-class and hazard classification	Substances	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, excluding residential activities.	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural and Rural Residential Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Ecotoxics	9.1A-D Aquatic ecotoxics	All subclass 9.1 & 9.2 substances that do not also fall into another HSNO subclass. For example, transformer-coolant oils and vinyl monomer. Storage: containers $\leq$ 450 litres aboveground.	• 50 litres inside dwelling. • 200 litres outside dwelling.	450 litres					
	9.2A-D Soil ecotoxics								
Ecotoxics	9.1A-D Aquatic ecotoxics	All subclass 9.1 & 9.2 substances that do not also fall into another HSNO subclass. For example, transformer-coolant oils and vinyl monomer. Storage: containers $>$ 450 litres aboveground.	• Single skin tanks: 450 litres. • Double skin tanks: 600 litres. • Super vault tanks constructed to SWRI standards: 10000 litres.	• Single skin tanks: 450 litres. • Double skin tanks: 2000 litres. • Super vault tanks constructed to SWRI standards: 10000 litres.	• Single skin tanks: 450 litres. • Double skin tanks: 2000 litres. • Super vault tanks constructed to SWRI standards: 10000 litres.	• Single skin tanks: 450 litres. • Double skin tanks: 5000 litres. • Super vault tanks constructed to SWRI standards: 30000 litres.		• Single skin tanks: 450 litres. • Double skin tanks: 450 litres. • Super vault tanks constructed to SWRI standards: 30000 litres.	• Single skin tanks: 450 litres. • Double skin tanks: 450 litres. • Super vault tanks constructed to SWRI standards: 30000 litres.
	9.2A-D Soil ecotoxics								

Rule 17.5.2 Controlled Activities (*Policy 17.3.8*)

The following activities are controlled activities:

- (i) The single vessel tank storage of HSNO sub-class 2.1.1A LPG, including
- (a) propane-based refrigerant, in belowground or aboveground tanks;
 - (b) the storage of HSNO sub-class 2.1.1A LPG, including propane-based refrigerant, in 222kg cylinder installations;
 - (c) the storage of HSNO sub-class 2.1.1A LPG propane-based refrigerant in commercial refrigeration receivers, in quantities exceeding those permitted in Rule 17.5.1; and
 - (d) the storage of HSNO sub-class 3.1A-D liquid petroleum fuels in belowground tanks;
- is controlled in respect of:
- (a) Location and design of storage tanks.
 - (b) Monitoring systems.
 - (c) Emergency response plans.
 - (d) Site security and containment.

Assessment Matters

In assessing any application the Council will, in addition to the matters contained in the Fourth Schedule of the Act, have regard to:

- For storage of petrol and/or diesel, adherence to the Environmental Protection Authority (EPA) Approved Code of Practice HSNOCOP 13-2, "Code of Practice for the Management of Existing Stationary Container Systems up to 60,000 litres Capacity".
 - For storage of LPG, including siting of LPG facilities, adherence to the Hazardous Substances (Classes 1-5 Controls) Regulations 2001 and to AS/NZS 1596:2008 "The Storage and Handling of LP Gas".
 - Any unusual soil or other underground conditions of the site which contribute to risks of tank or pipework failure.
 - The nature of activities and density of use in the vicinity of the site, including any potential for synergistic enhancement of risk from use on the same or adjacent sites of quantities of the same substance or the co-storage and/or use of other hazardous substances.
- (ii) The storage in belowground tanks of HSNO sub-class 9.1A-D aquatic ecotoxics and/or HSNO sub-class 9.2A-D soil ecotoxics is controlled in respect of:
- (a) Location and design of storage tanks or cylinders.
 - (b) Monitoring systems.
 - (c) Emergency response plans.
 - (d) Site security and containment.

Assessment Matters

In assessing any application the Council will, in addition to the matters contained in the Fourth Schedule of the Act, have regard to:

- For storage of aquatic or soil ecotoxics, adherence to the Environmental Protection Authority (EPA) Approved Code of Practice HSNOCOP 13-2, “Code of Practice for the Management of Existing Stationary Container Systems up to 60,000 litres Capacity”.
- (iii) The storage, use or ~~disposal~~ transportation of radioactive materials not exceeding 100 times the quantities specified in the ‘Type A’ transport package limit (as identified in the International Atomic Energy Agency (IAEA) ‘Regulations for the Safe Transport of Radioactive Material’) is controlled in respect of:
- (a) Location and design of facility.
 - (b) Monitoring systems.
 - (c) Emergency response plans.
 - (d) Site security and containment.
- (Example: industrial radiography)*

Assessment Matters

In assessing any application the Council will, in addition to the matters contained in the Fourth Schedule of the Act, have regard to:

- Adherence with requirements of the National Radiation Laboratory.
- The nature of activities and density of use in the vicinity of the site.

Rule 17.5.3 Discretionary Activities (Restricted) (Policy 17.3.8)

The following activities are discretionary activities (restricted):

- (i) The multi vessel tank storage of HSNO sub-class 2.1.1A LPG, including propane-based refrigerant
- (ii) The storage in aboveground tanks in the Port 2 Zone, at quantities exceeding those permitted under Rule 17.5.1, of HSNO sub-class 3.1A-D liquid petroleum fuels, HSNO class 6 toxic substances, HSNO class 8 corrosive substances, HSNO sub-class 9.1A-D aquatic ecotoxics and HSNO sub-class 9.2A-D soil ecotoxics.

Council’s discretion under this rule is restricted to:

- (a) Matters relating to public safety.
- (b) Avoidance of environmental effects arising from potential spillage of hazardous substances stored.
- (c) Location and design of storage tanks.
- (d) Monitoring systems.
- (e) Emergency response plans.
- (f) Site security and containment.

Rule 17.5.4 Discretionary Activities (Unrestricted) (Policy 17.3.8)

The following activities are discretionary activities (unrestricted):

- (i) The storage, use or ~~disposal~~ transportation of hazardous substances other than provided for in Rule 17.5.1, Rule 17.5.2 or Rule 17.5.3.

In addition to an assessment of effects as contained in the Fourth Schedule of the Act, the Council will require applicants to prepare a site management plan and an emergency response plan to be submitted with any application for resource consent required under this rule.

17.6 Assessment of Resource Consent Applications: Hazardous Substances *[Amended by Proposed Plan Change 13,]*

In assessing any applications, in addition to the matters contained in the Fourth Schedule of the Act, the Council will have regard to, but not be restricted by the following matters:

17.6.1 Intensity

The nature and size of the development or activity.

17.6.2 Nature of the Hazardous Substance

The nature of the ~~hazard or~~ hazardous substance, ~~and the level of risk.~~

17.6.3 Information

Knowledge and understanding of the hazardous substance and its effects.

17.6.4 HSNO Act 1996

Ability to comply with the HSNO Act 1996

17.6.5 Location

Location of the site or sub-facility with respect to population, services, schools, emergency services, hospitals and arterial routes.

17.6.6 Design and location

Location and design of storage tanks and associated plant.

17.6.7 Transportation

Ability to transport the hazardous substances to, and from, the facility in a safe and secure manner.

17.6.8 Risk

The sensitivity of the surrounding environment and the acceptable level of risk and includes the assessment of site management plans and emergency response plans.

17.6.9 Consequences of Hazardous Substance

Consequences to people, infrastructure and the environment of any failure, escape or activation of the ~~hazard or~~ hazardous substance.

17.6.10 Cumulative Effects

The cumulative effects on people, infrastructure and the environment arising from storing, using or disposing of hazardous substances.

17.6.11 Alternative locations and methods

Consideration of alternative locations and methods of storing, using or disposing of hazardous substances.

17.6.12 Mitigation

Whether mitigation measures are appropriate, reliable and able to be adequately monitored.

17.6.13 Long Term Measures

The long term performance and management requirements of protective or mitigation measures.

17.6.14 Codes of Practice

Industry codes of practice and other procedures which may be used to assess activities involving hazardous substances.

17.6a Assessment of Resource Consent Applications: Hazards *[Amended by Proposed Plan Change 13]*

In assessing any applications, in addition to the matters contained in the Fourth Schedule of the Act, the Council will have regard to, but not be restricted by the following matters:

17.6a.1 Intensity

The nature and size of the development or activity.

17.6a.2 Nature of Hazard

The nature of the hazard.

17.6a.3 Information

Knowledge and understanding of the hazard and its effects.

17.6a.4 Location

Location with respect to population, services, schools, emergency services, hospitals and arterial routes.

17.6a.5 Mitigation

Whether mitigation measures are appropriate and reliable.

17.6a.6 Risk

The acceptable level of risk.

17.6a.7 Drainage

Drainage of the area.

17.6a.8 Long Term Measures

The long term performance and management requirements of protective or mitigation measures.

17.6a.9 Consequences of Hazard

Consequences to people, infrastructure and the environment of any failure or activation of the hazard.

17.6a.10 Climate

Climatic conditions.

17.6a.11 Suitability of Site

How the applicant has addressed matters relating to natural hazards which may affect the suitability of the site for the proposed activity.

Section 3

Definitions

Hazardous Sub-Facility

(inserted by Proposed Plan Change 13)

- means any hazardous facility within the Campus, Port 1 and 2, Airport and Industrial 1 zones and forestry and timber treatment activities in the Rural zone, which is separated from any other hazardous facility on the same site where –

- (i) If located external to a building, the Gazetted* or Regulated Controls* for “High Intensity Land Use” and “Low Intensity Land Use” apply, and the location is such that the “Controlled Zones” or Tabled Separation Distances of each facility do not overlap; or
- (ii) If permitted to be located inside a building by the Gazetted* or Regulated Controls*, or referenced Standards pursuant to HSNO, then each facility shall be located in a separate fire cell.

* New Zealand Gazette Notice 26 March 2004 - Issue No. 35 and Hazardous Substances (Classes 1-5 Controls) Regulations 2001 and HSNO (Classes 6, 8 and 9 Controls) Regulations 2001.

~~**Hazardous Facility Screening Procedure (HFSP)**~~ *(deleted by Proposed Plan Change 13)*

~~means a procedure based on evaluating acceptable quantities of hazardous substances on a site, based on a preliminary assessment of environmental effects.~~

Hazardous Substance

(amended by Proposed Plan Change 13)

- means

- (i) 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” :
 - (a) explosiveness
 - (b) flammability
 - (c) a capability to oxidise
 - (d) corrosiveness
 - (e) toxicity (including chronic toxicity)
 - (f) ecotoxicity, with or without bio-accumulation; or
- (ii) 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 (i) of this definition.

Hazardous Substance Location - as defined by Hazardous Substances (Classes 1 to 5) Regulations 2001.

(inserted by Proposed Plan Change 13)

Medical Facility (for the purpose of Table 17.1 only)

(inserted by Proposed Plan Change 13)

- means any Medical Centre, Dental Clinic, Rest Home, Hospital, Surgery, and Veterinarian Clinic.

Transit Depot - as defined by Hazardous Substances (Classes 1 to 5)
(inserted by Proposed Plan Regulations 2001.
Change 13)

Section 10

Industry

10.6 Industrial 2 Zone – Rules *[Inserted by Variation 8: 15/12/01]*

Rule 10.6.1 Permitted Activities

The following activities are permitted activities provided that they comply with the conditions in Rule 10.6.2:

- (i) Industrial Activity with gross floor area of up to and including 1500 m².
- (ii) Residential Activity at a density of not less than 250 m² of site area per residential unit of accommodation, provided that a single residential unit may be erected on an existing site of any size.
- (iii) Recreational Activity, provided the associated structures do not exceed 25 m² in floor area.
- (iv) Signs permitted in this zone are specified in the Signs Section.

Rule 10.6.2 Conditions Attaching to Permitted Activities

(i) Residential and Recreational Activities

The provisions of the Residential 3 zone, and rules 10.6.2(v) Access to Anzac Avenue and 10.6.2(xi) Hazardous Substances below, shall apply.

The following conditions apply to Industrial Activities except (v) and (xi) which apply to all permitted activities:

(ii) Yard and Height Requirements (unless the activity is undertaken in an existing building)

- (a) Maximum height 9 m
- (b) Height Plane Angle along any site boundary which adjoins an existing residential activity 63°
- (c) Side and rear yards along any site boundary which adjoins an existing residential activity 1 m

(iii) Minimum Car Parking

On-site car parking shall comply with the performance standards in Section 20 (Transportation) and shall be provided on the following basis:

(a) Industrial Activity

Staff requirement as follows:

- (i) Up to 99 m² gross floor area: 2 car parks
- (ii) 100 m² – 149 m² gross floor area: 3 car parks
- (iii) 150 m² – 249 m² gross floor area: 4 car parks
- (iv) 250 m² – 400 m² gross floor area: 5 car parks
- (v) Over 400 m² gross floor area: 5 car parks plus 1 car park for each additional 200 m² gross floor area in excess of the initial 400 m² gross floor area,

provided that for sites less than 400 m² one of the car parks shall meet the minimum size and manoeuvre area for loading in Rule 10.6.2(iv)(a) below.

- (vi) **Visitor requirement** of an additional 20% (1 car park minimum) provided that visitor parking is not required for sites less than 400 m².

(iv) **Loading and Access**

For sites less than 400 m² there is no specific loading requirement except that one of the car parking spaces shall be able to be used for loading as required in Rule 10.6.2(iii). Access requirements shall comply with the performance standards in Section 20 (Transportation).

For sites 400m² or more the following apply:

- (a) For the following activities loading and access shall comply with the performance standards in Section 20 (Transportation):

- (i) Industrial Activity with building gross floor area 50 m² or less.

Loading shall be provided for on the following basis:

Minimum Size: 6 m long x 3.5 m wide x 2.6 m high.

Manoeuvre Area: To accommodate a 99 percentile design motor vehicle as shown in Appendix 20C. [Amended by Plan Change 10, 18/1/11]

- (b) For the following activities loading and access shall comply with the performance standards in Section 20 (Transportation):

- (i) Industrial Activity with building gross floor area greater than 50 m² but less than 1500 m².

Loading shall be provided for on the following basis:

Minimum Size: 8 m long x 3.5 m wide x 3.8 m high.

Manoeuvre Area: To accommodate an 8 metre rigid truck as shown in Appendix 20D.

(v) **Access to Anzac Avenue**

There shall be no new accessways onto Anzac Avenue.

(vi) **Screening**

All materials which are stored outside a building shall be screened from view from adjoining properties and from any road. The screening is not required if the wall of a building or structure has the same or similar effect.

(vii) **Landscaping Requirements**

Where the activity involves construction of a new building which fronts the street, landscaping in the form of one tree per 20 metres of frontage shall be provided along that frontage (1 tree per site minimum). Where it is impractical to provide such a tree on-site, a financial contribution of \$1125 (adjusted by the Construction Cost Index (CCI) from the year 2001) to fund the installation and 5 years maintenance of a street tree located within 500 m of the zone shall be paid prior to commencement of construction.

(viii) **Noise**

Refer to the Environmental Issues Section.

(ix) **Glare, Lighting and Electrical Interference**

Refer to the performance standards of the Environmental Issues Section.

(x) **Signs**

Refer to the Signs Section.

(xi) **Hazardous Substances**

Refer to the Hazards, Hazardous Substances and Earthworks Section: For industrial activities being established in buildings which include residential activities or in buildings which are contiguous with a building used for residential activity, the thresholds for residential activities in Table 17.1 ~~and 17.2~~ shall apply. Residential activities may not be established as a permitted activity in buildings which include industrial activities or in buildings which are contiguous with a building used for industrial activity, if those industrial activities exceed the thresholds for residential activities in Table 17.1 ~~and 17.2~~. *[Amended by Plan Change 11, 11/10/10][Strikethrough inserted by proposed Plan Change 13]*

Rule 10.6.3 Discretionary Activities (Restricted)

The following activities are discretionary activities (restricted):

- (i) Any permitted activity which does not comply with the conditions in Rule 10.6.2. The Council's discretion is restricted to the condition or conditions with which the activity fails to comply.

Rule 10.6.4 Discretionary Activities (Unrestricted)

The following activities are discretionary activities (restricted):

- (i) Industrial Activity with gross floor area greater than 1500 m².
- (ii) Retail Activity in conjunction with an industrial activity provided that
- (a) The retail activity is complementary to and an integral part of the industrial activity
- (b) The maximum area of gross floor space for retail activities shall not exceed 10% of the total floor space of the premises.
- (iii) Community Support Activities
- (iv) Industrial Tourist Activities
- (v) Structures for Recreational Activities with a floor area greater than 25 m².

Rule 10.6.5 Non-Complying Activities

- (i) Forestry Activity.
- (ii) Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.

10.7 Special Development Zone – Rules *[Inserted by Consent Order 23/07/03]*

Rule 10.7.1 Permitted Activities

The following activities are permitted activities provided that they comply with the conditions in Rule 10.7.2:

- (i) Industrial Activity with gross floor area of up to and including 1500 m².
- (ii) Residential Activity in the area north of Sinclair Road or between Hazlett and Saunders Roads at a density of not less than 500 m² of site area per residential unit of accommodation.
- (iii) Recreational Activity, provided the associated structures do not exceed 25 m² in floor area.
- (iv) Farming Activity.
- (v) Signs permitted in this zone are specified in the Signs Section.

Rule 10.7.2 Conditions Attaching to Permitted Activities

A For Residential and Recreational Activities the following conditions apply:

- (i) Rule 8.7.2 of the Residential 1 zone, and Rule 10.7.2B(ix) Hazardous Substances below, shall apply.

B For Industrial and Farming Activities the following conditions apply:

(i) Yard and Height Requirements

- (a) Maximum height 9 m
- (b) Height Plane Angle along any site boundary which adjoins an existing residential activity 63° (1 to 2 yard to height ratio)
- (c) Front yards 10.5m along Dukes Road, 4.5m elsewhere
Side and rear yards along any site boundary which adjoins an existing residential activity 2 m

(ii) Minimum Car Parking

On-site car parking shall comply with the performance standards in Section 20 (Transportation) and shall be provided on the following basis:

(a) Farming Activity

- (i) No requirement for on-site parking

(b) Industrial Activity

Staff requirement as follows:

- (i) Up to 99 m² gross floor area: 2 car parks
- (ii) 100 m² – 149 m² gross floor area: 3 car parks
- (iii) 150 m² – 249 m² gross floor area: 4 car parks
- (iv) 250 m² – 400 m² gross floor area: 5 car parks
- (v) Over 400 m² gross floor area: 5 car parks plus 1 car park for each additional 200 m² gross floor area in excess of the initial 400 m² gross floor area,
- (vi) Visitor requirement of an additional 20% (1 car park minimum).

(iii) **Loading and Access**

- (a) For the following activities loading and access shall comply with the performance standards in Section 20 (Transportation):

- (i) Industrial Activity with building gross floor area 50 m² or less.

Loading shall be provided for on the following basis:

Minimum Size: 6 m long x 3.5 m wide x 2.6 m high.

Manoeuvre Area: To accommodate a 99 percentile design motor vehicle as shown in Appendix 20C. [Amended by Plan Change 10, 18/1/11]

- (b) For the following activities loading and access shall comply with the performance standards in Section 20 (Transportation):

- (i) Farming Activity

- (ii) Industrial Activity with building gross floor area greater than 50 m² but less than 1500 m².

Loading shall be provided for on the following basis:

Minimum Size: 8 m long x 3.5 m wide x 3.8 m high.

Manoeuvre Area: To accommodate an 8 metre rigid truck as shown in Appendix 20D.

(iv) **Screening (applies to Industrial Activities only)**

All materials which are stored outside a building shall be screened from view from adjoining properties and from any road. The screening is not required if the wall of a building or structure has the same or similar effect.

(v) **Landscaping Requirements (applies to Industrial Activities only)**

The frontage of the site shall be screened and landscaped. The landscaping shall be for the length of the frontage except for the minimum width necessary for vehicular access to the site and can be considered as being part of the total landscaping requirement for car parking. The landscaping is to be of minimum internal width of 2 m between the property boundary and the required screening. The screening shall comply with the District Plan conditions for screening. The screening is not required if the wall of a building or structure has the same or similar effect.

(vi) **Noise**

Refer to the Environmental Issues Section.

(vii) **Glare, Lighting and Electrical Interference**

Refer to the performance standards of the Environmental Issues Section.

(viii) **Signs**

Refer to the Signs Section.

(ix) **Hazardous Substances**

Refer to the Hazards, Hazardous Substances and Earthworks Section: For industrial activities being established in buildings which include residential activities or in buildings which are contiguous with a building used for residential activity, the thresholds for residential activities in Table 17.1 and 17.2 shall apply. Residential activities shall not be established as a permitted activity in buildings which include industrial activities or in buildings which are contiguous with

a building used for industrial activity, if those industrial activities exceed the thresholds for residential activities in Table 17.1 ~~and 17.2~~. *[Amended by Plan Change 11, 11/10/10]*
[Strikethrough inserted by proposed Plan Change 13]

(x) Minimum Site

(a) Minimum Area

- | | | |
|------|------------|---|
| (i) | Front Site | 500 m ² |
| (ii) | Rear Site | 500 m ² excluding the access strip <i>[Amended by Plan Change 10, 18/1/11]</i> |

(b) Minimum Frontage

- | | | |
|-----|----------------------|-------|
| (i) | Front and Rear Sites | 3.5 m |
|-----|----------------------|-------|

Rule 10.7.3 Discretionary Activities (Restricted)

The following activities are discretionary activities (restricted):

- (i) Any permitted activity which does not comply with the conditions in Rule 10.7.2. The Council's discretion is restricted to the condition or conditions with which the activity fails to comply.

Rule 10.7.4 Discretionary Activities (Unrestricted)

The following activities are discretionary activities (unrestricted):

- (i) Industrial Activity with gross floor area greater than 1500 m².
- (ii) Retail Activity in conjunction with an industrial activity provided that
 - (a) The retail activity is complementary to and an integral part of the industrial activity; and
 - (b) The maximum area of gross floor space for retail activities shall not exceed 10% of the total floor space of the premises.
- (iii) Community Support Activities
- (iv) Industrial Tourist Activities.
- (v) Factory Farming.
- (vi) Structures for Recreational Activities with a floor area greater than 25 m².

Rule 10.7.5 Non-Complying Activities

- (i) Forestry Activity.
- (ii) Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.

10.8 Assessment of Resource Consent Applications

In assessing any application, in addition to the matters contained in the Fourth Schedule, the Council will have regard to, but not be restricted by the following matters:

10.8.1 Sustainability

The objectives and policies of the Sustainability Section.

10.8.2 Manawhenua

The objectives and policies of the Manawhenua Section.

10.8.3 Residential Areas

Adverse effects on residential areas.

10.8.4 Bulk and Location

The bulk and location of buildings associated with the proposed activity and their effects on amenity values of the zone in which they are located and the amenity of surrounding zones and areas.

10.8.5 Amenity Values

The impact on amenity values in general.

10.8.6 Noise

Refer to the Environmental Issues Section.

10.8.7 Glare and Lighting

The impact of glare and lighting generated by the activity.

10.8.8 Odour and Dust

The impact of odour and dust generated by the activity.

10.8.9 Services

The extent of servicing required and the impacts on the existing service infrastructure capacity in the area.

10.8.10 Cumulative Effects

The actual or potential cumulative effects on the environment as a result of allowing the activity.

10.8.11 Intensity of Operation

The scale, frequency and hours of operation of the activity.

10.8.12 Other Activities

The extent of land that would be lost for industrial activities.

10.8.13 Codes of Practice/Standards

Compliance with any relevant code of practice or New Zealand Standard as a means of avoiding, remedying or mitigating adverse effects.

10.8.14 Archaeological Sites

The effect that the activity will have on any archaeological site.

10.8.15 Trees

The objectives and policies of the Trees Section.

10.8.16 Indigenous Vegetation and Fauna

The cumulative effect of the incremental loss or modification of areas of indigenous vegetation and habitats of indigenous fauna.

10.8.17 Hazards

Whether or not the application relates to a site that the Council has good cause to suspect may be prone to a natural or technological hazard.

10.8.18 Transportation

The objectives, policies and assessment matters of the Transportation Section.

10.9 Anticipated Environmental Results

The anticipated environmental results are:

10.9.1

Industrial activities have access to natural and physical resources necessary for their efficient establishment and operation.

10.9.2

Any adverse environmental effects resulting from industrial activities located in industrial areas are avoided, remedied or mitigated.

10.9.3

Industrial activities are able to continue to contribute to the economic wellbeing of the City.

10.9.4

Non-industrial activities, including ancillary retailing located in industrial areas, are compatible with industrial activities.