

## Appendix A - Officers Recommendation Decisions on Submissions - Hazardous Substances

Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
136.14	Federated Farmers of New Zealand (Inc) – Northland Province	Definitions	Support in part	<p><b>AMEND</b> the definition of "Hazardous facility" as follows:  Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage includes vehicles for their transport located at a facility for more than short periods of time and excludes:</p> <p>...</p> <p>c. the incidental use and storage of hazardous substances in domestic scale quantities;  <u>d. incidental storage and use of agrichemicals, fertilisers and fuel for land based primary production activities; and</u>  e. activities involving sub-classes not included in the Activity Status Table (add cross-reference to where table is located in Proposed District Plan).  <b>AND</b>  Any consequential amendments.</p>	<ul style="list-style-type: none"> <li>• Supports the definition of hazardous facility along with the exclusions as notified.</li> <li>• The submitter considers that the incidental storage and use of agrichemicals, fertilisers and fuel for land based primary production activities should also be provided for in the list of exclusions.</li> <li>• It is unclear what 'Activity Status Table' the rule is referring to.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions
FS98.32	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Oppose	<p><b>REJECT</b> the proposed definition for Hazardous Facility - Federated Farmers of New Zealand submission point 136.14 for definitions hazardous facility</p>	<ul style="list-style-type: none"> <li>• Oppose the definition being retained for the reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.</li> <li>• An amended definition should be provided for "significant hazardous</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions

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					facility” as sought in the Fuel Companies submission.		
140.10	Horticulture New Zealand	Definitions	Amend	<b>DELETE</b> definition of hazardous facility; replace with definition of significant hazardous facility. <b><u>Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016</u></b>	<ul style="list-style-type: none"> <li>HortNZ opposes the definition of hazardous facility that includes vehicles for the transport of hazardous substances located at a facility which would make a whole farm or rural property a hazardous facility The focus should be on high-risk facilities. HortNZ seeks that definition of hazardous facility be deleted and replaced with a definition of significant hazardous facility based in the HSWA regulations.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
FS98.1	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Support	<b>DELETE</b> the proposed definition for Hazardous Facility and add an amended definition of “significant hazardous facility” is supported. Horticulture New Zealand submission point 140.10 for definitions Hazardous Facilities’	<ul style="list-style-type: none"> <li>Support for reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.</li> <li>An amended definition of “significant hazardous facility” is supported.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
140.23	Horticulture New Zealand	HS-O2	Support	<b>RETAIN</b> HS-O2 as notified. <b>AND</b>	<ul style="list-style-type: none"> <li>The submitter supports the application of reverse sensitivity protections.</li> </ul>	Accept in part	Topic 5: Hazardous Substances objectives

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				any consequential or alternative amendments required to address the concerns raised by the submitter.			
140.24	Horticulture New Zealand	HS-R3	Amend	<p><b>DELETE</b> HZS-R3.1.c. OR <b>ADD</b> the following text to HS-R3: <u>Fertilisers may be stored on-site provided they are contained in a secure, weatherproof structure or location that prevents leaching, runoff, or contamination of water bodies, and are managed in accordance with best practice environmental standards.</u></p> <p>AND Any consequential or alternative amendments required to address the concerns raised by the submitter.</p>	<ul style="list-style-type: none"> <li>Fertiliser is bought in bulk and stored for use as required. To restrict this practice does not reflect standard rural practices and is inconsistent with industry-recognised good management standards.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
FS83.12	New Zealand Agricultural Aviation Association	HS-R3	Oppose in part	<p>NZAAA seeks that HS-R3 is deleted in its entirety as it is not necessary to regulate fertiliser storage which is already regulated under HSNO and HSWA and does not need to duplicate regulation.</p> <p>Horticulture NZ Submission point 140.24 to delete or amend rule HS-R3</p>	<ul style="list-style-type: none"> <li>Accept NZAAA submission to delete HS-R3 in its entirety 146.19</li> </ul>	Reject	Topic 7: Hazardous Substances rules
FS93.85	Royal Forest and Bird Protection Society of New	H3-R3	Oppose	<p><b>RETAIN</b> the rules in HS-R3</p>	<ul style="list-style-type: none"> <li>The matters as set out require assessment and are not appropriate as a permitted activity standard.</li> </ul>	Accept	Topic 7: Hazardous Substances rules

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	Zealand Incorporated			Horticulture NZ Ltd submission point 140.24 to remove rule or amend H3-R3 to allow fertiliser storage as permitted	<ul style="list-style-type: none"> <li>This could result in adverse effects on</li> <li>indigenous biodiversity.</li> </ul>		
146.6	NZ Agricultural Aviation Assoc.	Definitions	Oppose	<b>DELETE</b> definition of hazardous facility	<ul style="list-style-type: none"> <li>The inclusion of activities and premises (including vehicles) is confusing. The submitter notes that HSNO and HSWA manage hazardous substances and are not contingent on a 'hazardous facility' definition.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions
FS98.2	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Support	<p><b>DELETE</b> the proposed definition for Hazardous Facility</p> <p>New Zealand Agricultural Aviation Association submission point 146.6 for definitions hazardous facility</p>	<ul style="list-style-type: none"> <li>Support for reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions
146.12	NZ Agricultural Aviation Assoc.	Definitions	Amend	<p><b>ADD</b> a new definition:</p> <p><u>This definition only applies to the Hazardous Substances Chapter of the District Plan</u></p> <p><u>Residual risk means any risk of an adverse effect after other industry controls, legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land</u></p>	<ul style="list-style-type: none"> <li>It is important for clarity and to ensure the</li> <li>protection of existing lawfully established</li> <li>activities.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions

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				<u>Transport Act 1998, the Health and Safety at Work Act (2015) and regional planning instruments, have been complied with.</u>			
FS98.3	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Support	<p><b>ADD</b> a definition for Residual Risk as follows:</p> <p>New Zealand Agricultural Aviation Association submission point 146.12 for definitions Residual Risk</p>	<ul style="list-style-type: none"> <li>Residual risk is inherent with all hazardous substance storage and use. It is only appropriate or necessary for the PDP to manage risk associated with Significant Hazardous Facilities, based on the acceptability of residual risk after compliance with HSNO and HSWA legislation and their associated regulations.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions
146.15	New Zealand Agricultural Aviation Association	Overview	Amend	<p><b>DELETE</b> the final paragraph (paragraph six) of the Hazardous Substances Overview.</p> <p>AND</p> <p><b>AMEND</b> the Overview of Hazardous Substances chapter by replacing the final paragraph with the following:  <u>Because the District Plan seeks to avoid duplication of requirements that arise under other legislation and regulations the provisions of this chapter are designed to manage the effects of use, storage or disposal of hazardous substances, only to the extent that those effects are not within the scope of existing legislation and</u></p>	<ul style="list-style-type: none"> <li>The submitter supports Hazardous Substance provisions that do not duplicate HSNO and HSWA regulations (inferred). The proposed approach includes provisions which duplicate such regulations and the submitter opposes this approach. It is noted that other recent district plans, including the Waikato District Plan, proposed a similar approach but this was significantly modified by submissions to ensure there was no duplication of existing regulations. For example, Whangarei District Council has</li> </ul>	Accept in part	Topic 2. Hazardous Substances chapter overview

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				<u>regulation, such as residual risk and reverse sensitivity.</u>	amended its hazardous substances provisions to reflect there being other relevant regulations (inferred). The submitter considers that Whangarei is more similar to Kaipara than Auckland - to which the s32 Report refers. It is submitted that Auckland provisions are outdated and do not reflect best practice for managing hazardous substances under the RMA. As such, the PDP should be amended to achieve an approach consistent with hazardous substance regulations and legislation.		
FS98.4	Fuel Companies (BP, Mobil & Z Energy)	Overview	Support	Re New Zealand Agricultural Aviation Association submission point 146.15 final paragraph in overview  move the final paragraph in overview	<ul style="list-style-type: none"> <li>The Fuel Companies support the hazardous substances chapter avoiding duplication with HSNO and HSWA legislation and their associated regulations. It is only appropriate or necessary for the PDP to manage risk associated with Significant Hazardous Facilities, as sought by the Fuel Companies submission.</li> </ul>	Accept in part	Topic 2. Hazardous Substances chapter overview
146.16	New Zealand Agricultural	HS-O1	Amend	<b>AMEND</b> HS-O1 as follows: Hazardous substance use, storage <u>or</u> <del>transport and disposal activities are</del>	<ul style="list-style-type: none"> <li>The submitter opposes HZ-O1 in part and requests the Objective is amended to acknowledge the</li> </ul>	Reject	Topic 5: Hazardous

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	Aviation Association			located, designed and are managed, so that the residual risk to people, property and the environment is acceptable, while recognising the benefits of those activities. AND <b>ADD</b> a definition for "Residual Risk", as sought by the submitter in another submission point.	benefits of hazardous substances where residual risks arising from the use, storage or disposal of hazardous substances are acceptable. The submitter seeks a definition of 'Residual Risk' similar to that in the Whangarei District Plan.		Substances objectives
FS98.5	Fuel Companies (BP, Mobil & Z Energy)	HS-01	Support	<b>AMEND</b> HS-01 to refer to residual risk  New Zealand Agricultural Aviation Association submission point 146.16 to amend HS-01	<ul style="list-style-type: none"> <li>Residual risk is inherent with all hazardous substance storage and use. It is only appropriate or necessary for the PDP to manage risk associated with Significant Hazardous Facilities, based on the acceptability of residual risk after compliance with HSNO and HSWA legislation and their associated regulations.</li> </ul>	Reject	Topic 5: Hazardous Substances objectives
146.17	New Zealand Agricultural Aviation Association	HS-P1	Oppose	<b>AMEND</b> HS-P1 as follows: <del>Hazardous facilities must minimise the risk to the environment (including people and property) by:</del> <u>Storage of hazardous substances: minimise the residual risk to the environment by:</u> 1. Siting new significant hazardous facilities in appropriate locations that are separated from incompatible activities, such as sensitive land use and	<ul style="list-style-type: none"> <li>The focus should be on hazardous substances use, storage and disposal as opposed to hazardous facilities as defined.</li> </ul>	Accept in part	Topic 6: Hazardous Substances policies

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				<p>infrastructure, and sensitive environments;</p> <p>2. <del>Designing, constructing and operating hazardous facilities in a manner</del> <u>Managing hazardous substance storage facilities</u> that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site; and</p> <p>3. <del>Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place and avoiding the storage, processing or disposal of hazardous wastes in sensitive environments.</del> <u>substances using best practice and meeting regulatory standards.</u></p> <p>AND <b>ADD</b> a definition for "Residual Risk", as sought by the submitter in another submission point.</p>			
FS98.6	Fuel Companies (BP, Mobil & Z Energy)	HS-P1	Support in part	<b>AMEND</b> HS-P1 to focus on the risk associated with significant hazardous facilities and add a definition for residual risk	<ul style="list-style-type: none"> <li>It is only appropriate or necessary for the policy to manage risk associated with Significant Hazardous Facilities, as sought in the submission of the Fuel Companies. This includes ensuring the compatibility of</li> </ul>	Reject	Topic 6: Hazardous Substances policies

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				New Zealand Agricultural Aviation Association submission point 146.17 to amend HS-P1	surrounding land use activities. However, residual risk is inherent with all hazardous substance storage and use, and its acceptability should not require the containment of the risk within the site. Clause 2 of the policy should be amended, as sought in the submission of the Fuel Companies.		
146.18	New Zealand Agricultural Aviation Association	HS-P2	Oppose	<b>DELETE</b> HS-P2 . AND <b>ADD</b> a new HS-P2 to read as follows: <u>Ensure that significant hazardous facilities are appropriately site and managed in order to reduce risks to the environment and community to acceptable levels.</u>	<ul style="list-style-type: none"> <li>The focus should be on significant hazardous facilities.</li> </ul>	Accept in part	Topic 6: Hazardous Substances policies
FS98.7	Fuel Companies (BP, Mobil & Z Energy)	HS-P2	Support	<b>DELETE</b> HS-P2 and add new wording focused on significant hazardous facilities  New Zealand Agricultural Aviation Association submission point 146.18 to amend HS-P2	<ul style="list-style-type: none"> <li>The focus of the policy on significant hazardous facilities is appropriate.</li> </ul>	Accept in part	Topic 6: Hazardous Substances policies
146.19	New Zealand Agricultural Aviation Association	HS-P3	Support	<b>RETAIN</b> HS-P3 as notified.	<ul style="list-style-type: none"> <li>The submitter supports HS-P3 and the separation of sensitive land uses from lawfully</li> </ul>	Accept	Topic 6: Hazardous Substances policies

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					established significant hazardous facilities.		
146.20	New Zealand Agricultural Aviation Association	HS-R1	Oppose	<b>DELETE</b> HS-R1.1.a. AND <b>AMEND</b> HS-R1.1.a as follows: a. <u>The storage, use and disposal of hazardous substances not otherwise specified within the Hazardous substances chapter rules.</u>	<ul style="list-style-type: none"> <li>The submitter opposes the inclusion of quantity tables and requests the deletion of HS-R1.1.a. to avoid duplication of regulations. The submitter does not consider there is a need for additional district plan rules where other regulations are met.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
FS98.8	Fuel Companies (BP, Mobil & Z Energy)	HS-R1	Support	<b>DELETE</b> HS-R1.1.a and amend  New Zealand Agricultural Aviation Association submission point 146.20	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, the inclusion of hazardous substances quantity tables is inappropriate and duplicates HSNO and HSWA regulations.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
146.21	New Zealand Agricultural Aviation Association	HS-R3	Oppose	<b>DELETE</b> HS-R3.	<ul style="list-style-type: none"> <li>The on-farm storage of fertilisers is regulated under HSNO and HSWA, and other associated regulations. There is no requirement for this regulation to be duplicated within the district plan. Such duplication will only impose additional regulatory burdens and cause confusion.</li> <li>The submitter notes that the s32 report stated, "feedback also identified concerns about use</li> </ul>	Reject	Topic 7: Hazardous Substances rules

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					and storage of fertilisers". However, the report does not analyse the actual risks of fertiliser being stored in farm fertiliser bins.		
146.22	New Zealand Agricultural Aviation Association	HS-R4	Oppose	<b>DELETE</b> HS-R4.	<ul style="list-style-type: none"> <li>The use, storage and disposal of hazardous substances is already regulated under the HSNO and HSWA (and other associated regulations). HS-R4 is, therefore, considered unnecessary and likely to create confusion and regulatory overlap.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
FS98.9	Fuel Companies (BP, Mobil & Z Energy)	HS-R4	Support	<b>DELETE</b> HS-R4 New Zealand Agricultural Aviation Association submission point 146.22	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, the rules controlling hazardous substance use, storage and disposal are inappropriate.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
146.23	New Zealand Agricultural Aviation Association	HS-S1	Oppose	<b>DELETE</b> HS-S1.	<ul style="list-style-type: none"> <li>The submitter opposes HS-S1 owing to the use, storage and disposal of hazardous substances being regulated under the HSNO and HSWA (including other associated regulations). Therefore, HS-S1 and associated HS Rules are unnecessary and will create confusion and regulatory overlap.</li> </ul>	Reject	Topic 8: Hazardous Substances permitted activity thresholds

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FS98.10	Fuel Companies (BP, Mobil & Z Energy)	HS-S1	Support	<b>DELETE</b> HS-S1 New Zealand Agricultural Aviation Association submission point 146.23	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, the inclusion of hazardous substances quantity tables is inappropriate and duplicates regulations.</li> </ul>	Reject	Topic 8: Hazardous Substances permitted activity thresholds
178.6	Mangawhai Estates Partnership	HS-R3	Oppose	No specific decision sought; however, the submission refers to HS-R3 and considers that multiple supervision of fertiliser in the General rural zone is a waste of money.	<ul style="list-style-type: none"> <li>The HS-R3 rule referred to is justified in the Overview of Hazardous Substances as "the Plan has the supporting role of controlling the land use activities..."</li> <li>The category is limited to minor irritation.</li> <li>The farmer has record keeping obligations already imposed and supervised.</li> <li>Farmers producing food have controls from the Ministry exporter and customers, generally by Audit.</li> <li>Fertiliser is defined in the order and on the bag. Farmers are generally required to have a Growsafe certificate renewed regularly.</li> <li>There is neither time nor money for another inspector or inspection.</li> </ul>	Reject	Topic 7: Hazardous Substances rules

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229.3	Ravensdown Ltd	Definitions	Oppose	<p><b>DELETE</b> the notified definition of <b>'Significant Hazardous Facilities'</b> in its entirety as follows:  <del>means a site where the aggregate quantity of any hazardous substance of any hazard classification on the site exceeds the quantity specified for the applicable zone in Standard HS-S1 in the Hazardous Substances chapter of this plan.</del></p> <p><b>AND</b>            Any consequential amendments throughout the PDP.</p>	<ul style="list-style-type: none"> <li>• A 'significant hazardous facility', based on the PDP's definition, is</li> <li>• any site where the HS-S1 quantities, in aggregate, are exceeded.</li> <li>• This definition, particularly in the context of the PDP's subsequent</li> <li>• regulatory framework, creates unnecessary confusion and</li> <li>• regulatory overlap with Hazardous Substances and New Organisms</li> <li>• Act 1996 (HSNO) and the Health and Safety at Work (HSW) Act</li> <li>• 2015, and associated regulations. The definition is also inconsistent</li> <li>• with the evaluative process required under the Health and Safety at</li> <li>• Work (Major Hazard Facilities) Regulations 2016 (MHF Regulations)</li> <li>• to determine whether or not a facility is a MHF (plus the process for</li> <li>• determining lower or upper tier MHFs).</li> <li>• Given the controls in place under HSNO, HSW and various</li> <li>• regulations, there is no need for additional regulatory control on the</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions

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					<ul style="list-style-type: none"> <li>• storage and use of hazardous substances under the PDP. For these</li> <li>• reasons, the deletion of this definition is requested, as well as the</li> <li>• deletion of this term from the associated HS objectives and policies</li> <li>• (as traversed below within this submission).</li> </ul>		
FS98.11	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Opposed in part	Ravensdown Limited submission point 229.3 for definitions Significant Hazardous Facility	<ul style="list-style-type: none"> <li>• The Fuel Companies agree the current definition should be deleted, as well as the definition for 'hazardous facility', but a replacement definition for 'significant hazardous facility' is needed, as stated in the submission by the Fuel Companies. A new definition is needed so that the PDP does not have inappropriate controls relating to hazardous facilities or the storage and use of hazardous substances. In addition, the PDP must avoid duplication with HSNO and HSWA legislation and their associated regulations.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
229.4	Ravensdown Ltd	Definitions	Oppose in part	<b>AMEND</b> the notified definition of 'Hazardous	<ul style="list-style-type: none"> <li>• Ravensdown opposes this definition, in part, on the basis that</li> </ul>	Reject	Topic 1. Hazardous

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				<p>Facilities' as follows:            Means <del>activities involving hazardous substances and premises at which these hazardous substances are used, stored or disposed of, but</del> Storage includes <del>vehicles for their transport located at a facility for more than short periods of time and</del> excludes:            • fuel stored in mobile plants,            • motor vehicles, boats and small engines;            • the incidental use and storage of hazardous substances in domestic scale quantities;  <del>Activities involving sub-classes not included in the Activity Status Table.</del></p>	<p>it appears to encompass both 'activities' and 'premises' and lacks clarity. Ravensdown considers that a 'facility' should refer to an area/premises rather than an activity, particularly as the definition itself then describes the 'activity' i.e., the use, storage and disposal of hazardous substances.</p> <ul style="list-style-type: none"> <li>• In addition, the following aspects of the definition lack clarity and should be deleted:</li> <li>• The reference to vehicles' storing hazardous substances, for more than a short period of time, is not needed. The definition includes the storage of hazardous substances at a premise, irrespective of the type of storage.</li> <li>• The final line of the definition refers to '<i>activities involving sub-classes not included in the Activity Status Table</i>'. It is unclear which 'Activity Status Table' is being referred to, although it is</li> <li>• assumed that it is referring to the activities listed in <b>DEF1</b>. The inclusion of this sentence in the definition, which is unclear, is also unnecessary (i.e., it adds nothing to the definition).</li> </ul>		Substances chapter definitions

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FS83.13	New Zealand Agricultural Aviation Association	Definitions	Reject	<b>REJECT</b> submission 229.4 to amend the definition of hazardous facility and delete the definition of hazardous facility as sought by NZAAA 146.6	<ul style="list-style-type: none"> <li>NZAAA seeks that the definition of hazardous facility is deleted.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter, definitions
FS98.12	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Oppose	<b>REJECT</b> the proposed definition for Hazardous Facility  Ravensdown Limited submission point 229.4 for definitions Hazardous Facility	<ul style="list-style-type: none"> <li>Oppose the definition being retained for the reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations. An amended definition should be provided for “significant hazardous facility” as sought in the Fuel Companies submission.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
229.5	Ravensdown Limited	Overview	Amend	<b>AMEND</b> the Overview in the Hazardous Substances chapter by deleting the final paragraph as follows: <b>Overview</b> Hazardous substances include... ... <del>The rules control quantities of defined hazardous substances classes that are significant enough to potentially pose a significant risk to public safety and the environment with respect to the various zones across the Kaipara District. The sites where such activities take place are defined as significant hazardous</del>	<ul style="list-style-type: none"> <li>The submitter supports the statement in the overview that the role of the Proposed District Plan (PDP) is to support the regulation of hazardous substances, which are regulated under HSNO and HSW as it is implied that any PDP rules should be supportive of, and not duplicate, these regulations. However, the submitter opposes the final paragraph referring to the need for the PDP to control the quantities of hazardous substances, to ‘assist’ other</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions

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				<del>facilities. These provisions assist other legislation in the management of hazardous substances in significant quantities, taking location into account.</del>	legislation which manages hazardous substances. Including hazardous substances control in the PDP is unnecessary regulatory duplication.		
229.6	Ravensdown Limited	HS-O1	Support	<b>RETAIN</b> HS-O1 as notified.	<ul style="list-style-type: none"> <li>The submitter agrees that hazardous substances have the potential, if not appropriately controlled and managed, to pose a risk to people, property and the environment.</li> <li>The retention of this objective will enable it to be given consideration where a new activity or development that uses, stores or disposes of hazardous substances needs to seek a land use consent (as triggered by rules in other chapters of the Proposed District Plan).</li> </ul>	Accept	Topic 5: Hazardous Substances objectives
229.7	Ravensdown Limited	HS-O2	Support	<b>RETAIN</b> HS-O2 as notified.	<ul style="list-style-type: none"> <li>Existing and established activities that use, store and dispose of hazardous substances, particularly where such activities are appropriately located, should not be constrained by new sensitive activities.</li> <li>Zone provisions should be in place to ensure that sensitive activities are managed to ensure</li> </ul>	Accept	Topic 5: Hazardous Substances objectives

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					that they do not give rise to reverse sensitivity effects on industrial activities in industrial zones. For this reason, specific rules in this chapter of the Proposed District Plan, in response to this objective, are not necessary.		
FS83.14	New Zealand Agricultural Aviation Association	HS-O2	Support	NZAAA supports retaining the objectives as it ensures activities are not compromised by new sensitive activities.  Ravensdown Ltd submission point 229.7 HS-O2 seeking that HS-O2 be retained. NZAAA supports retaining the objectives as it ensures activities are not compromised by new sensitive activities.	<ul style="list-style-type: none"> <li>Retain HS-O2 as sought 229.7</li> </ul>	Accept	Topic 5: Hazardous Substances objectives
229.8	Ravensdown Limited	HS-P1	Amend	<b>AMEND</b> HS-P1 as follows: Hazardous facilities must minimise the risk to the environment (including people and property) by: 1. Siting new significant hazardous facilities in appropriate locations that are separated from incompatible activities, such as sensitive land use and infrastructure, and sensitive environments; ...	<ul style="list-style-type: none"> <li>The policy is supported as it identifies appropriate measures around new and expanded hazardous facilities, and the disposal of hazardous wastes. It is appropriate that the policy is considered where a new activity or development using, storing or disposing of hazardous substances, needs to seek a land use consent (as triggered by rules in other chapters of the Proposed</li> </ul>	Accept in part	Topic 6: Hazardous Substances policies

## Appendix A - Officers Recommendation Decisions on Submissions - Hazardous Substances

Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					District Plan). However, given the submission's requested deletion of the definition of 'significant hazardous facilities' (see separate submission point), a consequential amendment to Clause (1) of this policy is required.		
FS83.15	New Zealand Agricultural Aviation Association	HS-P1	Reject	<b>REJECT</b> 229.8 and amend HS-P1 as sought by NZAAA 146.17. Ravensdown Ltd submission point 229.8 seeking to amend HS-P1 by deleting 'significant ' hazardous facility.	<ul style="list-style-type: none"> <li>NZAAA seeks changes to HS-P1 that focus on minimising residual risk and hazardous substances.</li> </ul>	Reject	Topic 6: Hazardous Substances policies
FS98.13	Fuel Companies (BP, Mobil & Z Energy)	HS-P1	Oppose	<b>REJECT</b> the proposed amendment to HS-P1 Ravensdown Limited submission point 229.8	<ul style="list-style-type: none"> <li>As sought in the Fuel Companies submission, the policy should be amended so that it applies only to significant hazardous facilities.</li> </ul>	Accept in part	Topic 6: Hazardous Substances policies
229.9	Ravensdown Limited	HS-P2	Oppose	<b>DELETE</b> HS-P2 in its entirety.	<ul style="list-style-type: none"> <li>The submitter considers that this policy is unnecessary as it effectively duplicates the matters of consideration and management addressed at a national level by HSNO and HSW, and associated regulations. In this context, and given proposed HS-P1, this policy adds nothing additional to the matters of consideration for a</li> </ul>	Reject	Topic 6: Hazardous Substances policies

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					hazardous substances land use consent.		
229.10	Ravensdown Limited	HS-P3	Amend	<b>AMEND</b> HS-P3 as follows: Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully established <del>significant</del> hazardous facilities.	<ul style="list-style-type: none"> <li>The submitter supports the intent of this policy and also acknowledges that zone provisions should be in place to manage sensitive activities so they do not give rise to reverse sensitivity effects on industrial activities in industrial zones. However, given the requested deletion of the definition of 'significant hazardous facilities' (see separate submission point), a consequential amendment to this policy is required.</li> </ul>	Accept in part	Topic 6: Hazardous Substances policies
FS98.14	Fuel Companies (BP, Mobil & Z Energy)	HS-P3	Oppose	<b>REJECT</b> the proposed amendment to HS-P3 Ravensdown Limited submission point 229.10	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, it is appropriate that the PDP only controls effects associated with significant hazardous facility. The requested change is opposed.</li> </ul>	Accept in part	Topic 6: Hazardous Substances policies
229.11	Ravensdown Limited	HS-R1	Oppose	<b>AMEND</b> HS-R1 as follows: Activity status: Permitted Where: <del>The aggregate quantity of any hazardous substance of any hazard classification on a site does not exceed</del>	<ul style="list-style-type: none"> <li>The Proposed District Plan regulatory framework for hazardous substances creates unnecessary confusion and regulatory overlap with HSNO and HSW, and associated regulations.</li> </ul>	Reject	Topic 7: Hazardous Substances rules

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
				<p><del>the quantity specified for the applicable zone in HS-S1.</del></p> <p><u>The storage, use and disposal of hazardous substances not otherwise specified within the 'Hazardous Substances' chapter rules.</u></p>	<ul style="list-style-type: none"> <li>It is considered that the zone provisions, in conjunction with consideration of the proposed HS policy framework, ensure that activities that use and store hazardous substances are appropriately located, while compliance with relevant regulations ensures that the risks associated with hazardous substances are controlled, managed and mitigated. Therefore, a permitted activity rule for these activities within all relevant zones is appropriate.</li> </ul>		
FS83.16	New Zealand Agricultural Aviation Association	HS-R1	Support	The approach sought is the same sought in the submission of NZAAA Ravensdown Ltd submission point 229.11 seeks amending HS-R1 to not refer to HS-S1.	<ul style="list-style-type: none"> <li>Accept 229.11</li> </ul>	Reject	Topic 7: Hazardous Substances rules
FS98.15	Fuel Companies (BP, Mobil & Z Energy)	HS-R1	Support	<b>AMEND</b> HS-R1 Ravensdown Limited submission point 229.11	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, the inclusion of hazardous substances quantity tables is inappropriate and duplicates HSNO and HSWA regulations.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
229.12	Ravensdown Limited	HS-R3	Oppose	<b>DELETE</b> HS-R3 in its entirety. AND	<ul style="list-style-type: none"> <li>This rule effectively relates to 'on-farm' storage of fertiliser products, which are regulated under the</li> </ul>	Reject	Topic 7: Hazardous

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
				If relief is not accepted, move HS-R2 to the General rural zone provisions and delete conditions (a) and (c).	<p>HSNO and HSW, and associated regulations. The rule unnecessarily duplicates regulatory requirements with no specific benefit for the environment (or reduction of adverse effects or risks).</p> <ul style="list-style-type: none"> <li>If this rule were to be retained, the submitter considers that it should be placed in the rural zone provisions of the Proposed District Plan with conditions (a) and (c) deleted as the hazardous substance classifications are not needed (i.e., the rule would apply to the storage of fertiliser); and the time limit restriction is not relevant if the fertiliser is being stored safely and effectively.</li> </ul>		Substances rules
229.13	Ravensdown Limited	HS-R4	Oppose	<b>DELETE</b> HS-R4 in its entirety.	<ul style="list-style-type: none"> <li>The use, storage and disposal of hazardous substances are regulated under the HSNO and HSW, and associated regulations, and the rule creates unnecessary confusion and regulatory overlap.</li> <li>The submitter has also requested amendments to HS-R1 (see separate submission point) which would permit the use, storage and disposal of all hazardous substances unless specified in</li> </ul>	Reject	Topic 7: Hazardous Substances rules

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					the Proposed District Plan. This requested approach is a more logical means of permitting the use, storage and disposal of hazardous substances throughout the district.		
FS98.16	Fuel Companies (BP, Mobil & Z Energy)	HS-R4	Support	<b>DELETE</b> HS-R4 Ravensdown Limited submission point 229.13	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, the rules controlling hazardous substance use, storage and disposal are inappropriate.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
229.14	Ravensdown Limited	HS-S1	Oppose	<b>DELETE</b> HS-S1 in its entirety.	<ul style="list-style-type: none"> <li>Controls on hazardous substances are implemented under the HSNO and HSW, and associated regulations. This standard, in conjunction with the notified rules, creates unnecessary regulatory duplication of hazardous facilities.</li> <li>The HS regulatory approach contained in the Proposed District Plan is out of step with the approach tending to be adopted in other new district plans (i.e., no or limited rules, but with objectives and policies to guide decision-making where an activity that uses, stores or disposes of</li> </ul>	Reject	Topic 8: Hazardous Substances permitted activity thresholds

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					hazardous substances requires a land use consent).		
FS98.17	Fuel Companies (BP, Mobil & Z Energy)	HS-S1	Support	<b>DELETE</b> HS-S1 Ravensdown Limited submission point 229.14	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, the inclusion of hazardous substances quantity tables is inappropriate and duplicates regulations.</li> </ul>	Reject	Topic 8: Hazardous Substances permitted activity thresholds
283.3	Northpower Limited and Northpower Fibre Limited	General	Amend	<p><b>RETAIN</b> objectives and policies relating to hazardous substances for the consideration at resource consent stage.</p> <p>AND</p> <p><b>DELETE</b> rules relating to hazardous substances.</p> <p>AND</p> <p>Any further necessary consequential amendments required.</p>	<ul style="list-style-type: none"> <li>To be consistent with the approach taken from Whangarei District Council through Plan Change 91.</li> <li>To be consistent with the 2017 RMA Amendments which removed explicit function for local authorities to control adverse effects of storage, use, disposal and transportation of hazardous substances.</li> <li>For a consistent approach to apply across Whangarei and Kaipara Districts.</li> </ul>	Accept in part	Topic 5,6,7: Hazardous Substances objectives, policies, rules
FS98.18	Fuel Companies (BP, Mobil & Z Energy)	General	Support in part	<p><b>RETAIN</b> objectives and policies and delete rules.</p> <p>Northpower Limited and Northpower Fibre Limited submission points 283.3</p>	<ul style="list-style-type: none"> <li>Hazardous substances objectives and policies should be retained/amended, as sought in the submission of the Fuel Companies.</li> <li>Hazardous substances rules should be deleted or applied only</li> </ul>	Reject	Topic 5: Hazardous Substances objectives

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					to significant hazardous facilities, subject to the definition for significant hazardous facilities being amended.		
283.118	Northpower Limited and Northpower Fibre Limited	General	Oppose	<p><b>DELETE</b> the rules from the Hazardous Substances chapter.</p> <p>AND</p> <p><b>AMEND</b> the objectives and policies in the Hazardous Substances chapter on the basis of there being no rules for hazardous substances.</p> <p>AND</p> <p>Any further necessary consequential amendments required.</p>	<ul style="list-style-type: none"> <li>To be in accordance with the Whangarei District Council's Plan Change 91 which proposes to retain objectives and policies relating to hazardous substances for the consideration at resource consent stage, but deletes any rules relating to hazardous substances.</li> <li>The submitter supports Whangarei District Council's approach which is consistent with the 2017 RMA amendments which removed explicit function for local authorities to control the adverse effects of the storage, use, disposal and transportation of hazardous substances.</li> </ul>	Reject	Topic 5,6,7: Hazardous Substances objectives, policies, rules
FS98.18	Fuel Companies (BP, Mobil & Z Energy)	General	Support in part	<p><b>RETAIN</b> objectives and policies and delete rules.</p> <p>Northpower Limited and Northpower Fibre Limited submission point 283.3 and 283.118</p>	<ul style="list-style-type: none"> <li>Hazardous substances objectives and policies should be retained/amended, as sought in the submission of the Fuel Companies.</li> <li>Hazardous substances rules should be deleted or applied only to significant hazardous facilities,</li> </ul>	Reject	Topic 5,6,7: Hazardous Substances objectives, policies, rules

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					subject to the definition for significant hazardous facilities being amended.		
287.3	Silver Fern Farms	General	Amend	No specific decision requested but submitter seeks that the Proposed District Plan recognises the benefits of, and provides for the operation of, hazardous facilities, while minimising the risk of reverse sensitivity effects on these facilities. Submitter notes that the Silver Fern Farms site will meet the definition of "Hazardous Facility" and may meet the thresholds to qualify as a "Significant Hazardous Facility".	<ul style="list-style-type: none"> <li>The Silver Fern Farms site will meet the definition of "Hazardous Facility" and may meet the thresholds to qualify as a "Significant Hazardous Facility".</li> </ul>	Accept.	Topic 3. Hazardous Substances chapter general
287.4	Silver Fern Farms	Definitions	Oppose in part	<b>AMEND</b> definition of 'Hazardous Facility'	<ul style="list-style-type: none"> <li>The definition of "Hazardous Facility" refers to "Storage includes vehicles for their transport located at a facility for more than short periods of time". Section 2.4.5 of Mr Schaffoener's report (appended to the Hazardous Substances section 32 report) states that "Matters such as hazardous substance transport containers, marking/labelling of containers and vehicles, or driver competency, are all part of the HSNO, workplace safety or land transport regimes, and are consequently not required to be controlled as a land use issue". As</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					such, it is unclear why the "Hazardous Facility" definition needs to refer to vehicles as part of "storage". In addition, the subjective phrase "short periods of time" may cause uncertainty in Plan administration.		
FS83.17	New Zealand Agricultural Aviation Association	Definitions	Reject	<b>REJECT</b> submission Silver Fern Farms 287.4 to amend the definition of hazardous facility and delete the definition of hazardous facility as sought by NZAAA 146.6	<ul style="list-style-type: none"> <li>NZAAA seeks that the definition of hazardous facility is deleted.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions
287.5	Silver Fern Farms	HS-P3	Amend	<p><b>AMEND</b> HS-P3, as follows:            Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully established <u>hazardous facilities and</u> significant hazardous facilities.            OR            Provisions or wording to similar effect.            AND            Any necessary and consequential amendments.            AND            All further relief necessary to give effect to the concerns raised in the submission.</p>	<ul style="list-style-type: none"> <li>There is a discrepancy between the direction HS-O2 which can be read as seeking the protection of all "Hazardous Facilities" from reverse sensitivity effects and policy HS-P3 which can be read as applying only to "Significant Hazardous Facilities." The policy should not be limited only to Hazardous Facilities that qualify as "Significant Hazardous Facilities."</li> </ul>	Reject	Topic 6: Hazardous Substances policies

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
287.6	Silver Fern Farms	HS-R1	Support	<b>RETAIN</b> HS-R1, particularly the activity statuses for "Hazardous Facilities" and "Significant Hazardous Facilities".	<ul style="list-style-type: none"> <li>No reasons provided.</li> </ul>	Accept	Topic 7: Hazardous Substances rules, matters for discretion, standards
FS83.18	New Zealand Agricultural Aviation Association	HS-R1	Oppose	Silver Fern Farms submission point 287.6 for HS-R1 seeking to retain HS-R1.	<ul style="list-style-type: none"> <li>NZAAA opposes the approach in HS-R1 and has sought that it be amended.</li> </ul>	Reject	Topic 7: Hazardous Substances rules, matters for discretion, standards
FS98.19	Fuel Companies (BP, Mobil & Z Energy)	HS-R1	Oppose	Silver Fern Farms submission point 287.6 for HS-R1 seeking to retain HS-R1.	<ul style="list-style-type: none"> <li>Fuel Companies (BP, Mobil &amp; Z Energy) request deleting HS-R1</li> </ul>	Reject	Topic 7: Hazardous Substances rules, matters for discretion, standards
287.15	Silver Fern Farms	Definitions	Amend	<p><b>AMEND</b> the definitions of "Hazardous Substance" and "Hazardous Substances" by deleting one to remove duplication.</p> <p>AND</p> <p>Any necessary and consequential amendments.</p> <p>AND</p> <p>All further relief necessary to give effect to the concerns raised in the submission.</p>	<ul style="list-style-type: none"> <li>This term is defined twice. The duplication.</li> <li>Should be rationalised in a manner consistent with the National Planning Standards.</li> </ul>	Accept	Topic 1. Hazardous Substances chapter definitions

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
287.26	Silver Fern Farms	Definitions	Support	<b>RETAIN</b> the definition of "Significant Hazardous Facility" as notified. OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.	<ul style="list-style-type: none"> <li>It is appropriate to define Significant Hazardous Facilities to ensure these important sites receive particular attention in the planning framework and in the zone provisions, and in the management of reverse sensitivity effects.</li> </ul>	Accept	Topic 1. Hazardous Substances chapter definitions
FS98.20	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Oppose	<b>REJECT</b> the proposed definition for Significant Hazardous Facility  Silver Fern Farms submission point 287.26 for definitions Significant Hazardous Facility	<ul style="list-style-type: none"> <li>The current definition is inappropriate and requires amendment for reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter, definitions
287.34	Silver Fern Farms	HS-O1	Support	<b>RETAIN</b> HS-O1 as notified. OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.	<ul style="list-style-type: none"> <li>Appropriate to provide flexibility to manage hazardous substance-related risks to an acceptable level.</li> </ul>	Accept	Topic 5: Hazardous Substances objectives

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
287.35	Silver Fern Farms	HS-O2	Support	<b>RETAIN</b> HS-O2 as notified. OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.	<ul style="list-style-type: none"> <li>Critical to protect established activities from new sensitive activities.</li> </ul>	Accept	Topic 5: Hazardous Substances objectives
287.36	Silver Fern Farms	HS-P2	Amend	<b>AMEND</b> HS-P2 by replacing the reference to "facilities for the use, storage or disposal of hazardous substances in significant quantities" with reference to " <u>Significant Hazardous Facilities</u> ". OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.	<ul style="list-style-type: none"> <li>Policy appears to be targeted at prompting risk assessments for new Significant Hazardous Facilities but it does not expressly say so. Therefore, it is unclear if it applies to Significant Hazardous Facilities only or if it applies to both Significant Hazardous Facilities and Hazardous Facilities as defined in the Proposed District Plan. <u>This amendment will align with the definition of "Significant Hazardous Facilities" and rule HS-R1(2)</u></li> </ul>	Accept in part	Topic 6: Hazardous Substances policies
FS98.21	Fuel Companies (BP, Mobil & Z Energy)	HS-P2	Support	<b>AMEND</b> HS-P2 to refer to significant hazardous facilities	<ul style="list-style-type: none"> <li>Support for the reasons stated in the Fuel Companies submission.</li> </ul>	Accept	Topic 6: Hazardous Substances policies

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
				Silver Fern Farms submission point 287.36 to amend HS-P2			
FS98.22	Fuel Companies (BP, Mobil & Z Energy)	HS-R1	Oppose	<b>REJECT</b> retaining HS-R1 as notified Silver Fern Farms submission point 287.37 to retain HS-R1	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, the inclusion of rules relating to hazardous substances quantity tables are inappropriate and duplicates HSNO and HSWA regulations.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
287.37	Silver Fern Farms	HS-R1	Support	<p><b>RETAIN</b> HS-R1 as notified.</p> <p>OR</p> <p>Provisions or wording to similar effect.</p> <p>AND</p> <p>Any necessary and consequential amendments.</p> <p>AND</p> <p>All further relief necessary to give effect to the concerns raised in the submission.</p>	<ul style="list-style-type: none"> <li>Appropriate to provide a permitted allowance for hazardous substances. Also appropriate to provide for activities that exceed the specified thresholds as a restricted discretionary activity as the effects of an exceedance of permitted volumes can be subject to a confined assessment of risk.</li> </ul>	Accept	Topic 7: Hazardous Substances rules
292.6	Transpower New Zealand Limited	Definitions	Amend	<p><b>DELETE</b> the definition of "Hazardous facility" and replace with the following:  <u>Hazardous facility</u>  1. Means a facility or activity that involves the use, storage or disposal of any hazardous substance, but excludes:</p>	<ul style="list-style-type: none"> <li>The inclusion of a definition for Hazardous Facility is supported, however the definition as notified appears incomplete as the list of exclusions is limited and leaves out a number of minor uses of hazardous substances that do not normally require regulation.</li> </ul>	Reject	Topic 1. Hazardous Substances definitions

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
				<p>a. <u>the incidental use and storage of hazardous substances in minimal domestic scale quantities;</u>  b. <u>retail outlets for hazardous substances intended for domestic usage (e.g., supermarkets, hardware stores and pharmacies);</u>  c. <u>the incidental storage and use of agrichemicals, fertilisers and fuel for land based primary production activities;</u>  d. <u>pipelines used for the transfer of hazardous substances such gas, oil, trade waste and sewage;</u>  e. <u>fuel in motor vehicles, boats, airplanes and small engines;</u> f. <u>the use, transportation, or storage of any hazardous substance for any temporary military training activity;</u>  g. <u>the transportation of hazardous substances (e.g., in trucks or trains);</u> or  h. <u>mixing and application of hazardous substances solely for the purpose of controlling plant and animal pests on site.</u>  AND  Alternative or consequential relief as may be necessary to fully achieve the relief sought in the submission</p>			

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
292.7	Transpower New Zealand Limited	Definitions	Support	<b>RETAIN</b> the definition of hazardous substance.	<ul style="list-style-type: none"> <li>Transpower supports this definition as it is consistent with the definition used in the RMA.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
FS83.19	New Zealand Agricultural Aviation Association	Definitions	Reject	<b>REJECT</b> submission 292.6 to amend the definition of hazardous facility and delete the definition of hazardous facility as sought by Transpower	<ul style="list-style-type: none"> <li>NZAAA seeks that the definition of hazardous facility is deleted.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions
FS98.23	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Oppose	<b>REJECT</b> Transpower New Zealand Limited submission point 292.6 for definitions Hazardous Facility	<ul style="list-style-type: none"> <li>Oppose the definition being retained for the reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.</li> <li>An amended definition should be provided for “significant hazardous facility” as sought in the Fuel Companies submission.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
301.15	Channel Terminal Services Limited	General	Amend	<b>ADD</b> cross-reference to INF-R56 within the Hazardous Substances chapter. AND Any ancillary, or alternative and consequential relief as necessary or appropriate.	<ul style="list-style-type: none"> <li>Cross-references will ensure that plan-users are aware of these rules relating to the Gas or Petroleum Pipeline Corridor.</li> </ul>	Accept	Topic 4. Hazardous Substances chapter gas pipeline

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
301.28	Channel Terminal Services Limited	General	Amend	<p><b>RETAIN</b> the Hazardous Substances chapter as notified. (note referencing error in the submission)</p> <p>AND</p> <p><b>ADD</b> an advice note to the Hazardous Substances chapter that provides that the provisions in this chapter are not intended to apply to existing gas and petroleum pipelines.</p> <p>AND</p> <p><b>ADD</b> a cross reference to INF-R56 in the Hazardous Substances chapter.</p> <p>AND</p> <p>Any ancillary, or alternative and consequential relief as necessary or appropriate.</p>	<ul style="list-style-type: none"> <li>The submitter generally supports the approach to managing hazardous substances in this chapter of the Proposed District Plan. While the submitter does not have specific comments on the provisions, they do not appear to be intended to manage existing underground pipelines for transport of gas and petroleum products. Accordingly, the submitter considers that the provisions should clearly state that the hazardous substances provisions do not apply to existing gas or petroleum pipelines.</li> </ul>	Accept	Topic 4. Hazardous Substances chapter gas pipeline
FS98.24	Fuel Companies (BP, Mobil & Z Energy)	General	Oppose in part	<p><b>RETAIN</b> the hazardous substances chapter with a note to exclude the gas and petroleum pipelines from the provisions</p> <p>Channel Terminal Services Limited submission point 301.28</p>	<ul style="list-style-type: none"> <li>The Fuel Companies support the intent of the submission to protect the nationally significant fuel pipeline between Marden Point and Wiri in Auckland. However, changes are need to the chapter overview, policies and rules, as sought in the Fuel Companies submission.</li> </ul>	Accept in part	Topic 4. Hazardous Substances chapter gas pipeline
308.5	Fire and Emergency NZ	Definitions	Support in part	<p><b>RETAIN</b> the definition for “Hazardous facility” as notified, subject to relief sought elsewhere.</p>	<ul style="list-style-type: none"> <li>Under the proposed definition, emergency service facilities and activities would be considered a hazardous facility.</li> </ul>	Accept	Topic 1. Hazardous Substances

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<ul style="list-style-type: none"> <li>Fire and Emergency facilities and activities involves the use and storage of hazardous substances and premises at which these substances are used and stored. Fire and Emergency support this definition, subject to relief sought elsewhere.</li> </ul>		chapter definitions
FS98.25	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Oppose	<p><b>REJECT</b> the proposed definition for Hazardous Facility</p> <p>Fire and Emergency New Zealand submission 308.5 definitions hazardous facility</p>	<ul style="list-style-type: none"> <li>Oppose the definition being retained for the reasons given in the submission by the Fuel Companies, including the PDP avoiding duplication with HSNO and HSWA legislation and their associated regulations.</li> <li>An amended definition should be provided for "significant hazardous facility" as sought in the Fuel Companies submission.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
308.6	Fire and Emergency New Zealand	Definitions	Support	<p><b>RETAIN</b> definition of "Significant Hazardous facility" as notified, subject to relief sought elsewhere in the submission.</p>	<ul style="list-style-type: none"> <li>Under the proposed definition, a significant hazardous facility would be a site that exceeds the quantity specified for the applicable zone in HS-S1 in the Hazardous Substances chapter. Definition is supported, subject to relief sought elsewhere in submission</li> </ul>	Accept	Topic 1. Hazardous Substances chapter definitions

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FS98.26	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Oppose	<b>REJECT</b> the proposed definition for Significant Hazardous Facility  Fire and Emergency New Zealand submission 308.6 definitions significant hazardous facility	<ul style="list-style-type: none"> <li>An amended definition should be provided for “significant hazardous facility” as sought in the Fuel Companies submission.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
308.36	Fire and Emergency New Zealand	HS-O1	Support	<b>RETAIN</b> HS-O1 as notified.	<ul style="list-style-type: none"> <li>HS-O1 is supported as it recognises the benefits associated with the use, storage, disposal and transportation of hazardous substances, which includes emergency response activities. It also recognises that such activities are located, designed and managed so that the risk to people, property and the environment is acceptable.</li> </ul>	Accept	Topic 5: Hazardous Substances objectives
308.37	Fire and Emergency New Zealand	HS-P1	Support	<b>RETAIN</b> HS-P1 as notified.	<ul style="list-style-type: none"> <li>HS-P1 is supported to the extent that it seeks that risks to the environment associated with hazardous facilities are minimised.</li> </ul>	Accept	Topic 6: Hazardous Substances policies
FS98.27	Fuel Companies (BP, Mobil & Z Energy)	HS-P1	Oppose	Reject the submission to <b>RETAIN</b> HS-P1 as notified.  Fire and Emergency New Zealand submission point 308.37 to retain HS-P1	<ul style="list-style-type: none"> <li>As sought in the Fuel Companies submission, the policy should be amended so that it applies only to significant hazardous facilities.</li> </ul>	Reject	Topic 6: Hazardous Substances policies

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
308.38	Fire and Emergency New Zealand	HS-R1	Support	<b>RETAIN</b> HS-R1 as notified subject to the amendments sought to HS-S1.	<ul style="list-style-type: none"> <li>Rule is supported subject to relief sought to HS-S1 elsewhere in the submission.</li> </ul>	Accept	Topic 7: Hazardous Substances rules
FS83.20	New Zealand Agricultural Aviation Association	HS-R1	Oppose	<b>REJECT</b> Fire and Emergency NZ submission point 308.38 HS-R1 seeking to retain HS-R1.	<ul style="list-style-type: none"> <li>NZAAA opposes the approach in HS-R1 and has sought that it be amended with no reliance on HS-S1.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
FS98.28	Fuel Companies (BP, Mobil & Z Energy)	HS-R1	Oppose	<b>REJECT</b> retaining HS-R1 as notified Fire and Emergency New Zealand submission point 308.38	<ul style="list-style-type: none"> <li>For the reasons stated in the Fuel Companies submission, the inclusion of rules relating to hazardous substances quantity tables are inappropriate and duplicate HSNO and HSWA regulations.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
308.39	Fire and Emergency New Zealand	HS-S1	Amend	<p><b>AMEND</b> HS-S1, as follows: Notes when using the above table: ...</p> <p><u>7. The use, storage and disposal of hazardous substances at emergency services facilities and the use and storage during emergency services operations and response are exempt from the limits within HS-S1.</u></p> <p>OR</p> <p>Amendments to similar effect.</p>	<ul style="list-style-type: none"> <li>The submission seeks an exception for all emergency service facilities as well as operational uses and responses. Fire and Emergency New Zealand stores firefighting foam concentrate at volumes which would exceed the volumes outlined in HS-S1 at fire stations and when resourcing large scale firefighting operations. This exception would mean that Fire and Emergency New Zealand would not need to seek resource</li> </ul>	Accept in part	Topic 8: Hazardous Substances permitted activity thresholds

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					consent for the storage and use of hazardous substances at emergency service facilities or at temporary storage locations during emergency operations - in the event of a spill or leak of these substances, Fire and Emergency New Zealand would act the lead agency for contaminant and clean-up of the substance involved.		
309.13	Clarus	Definitions	Amend	The intent of the definition is supported. Clarus considers that this should not include the gas transmission pipeline, but this is not clear from the rule.	<ul style="list-style-type: none"> <li>• Include in the definition:</li> <li>• ...and excludes:</li> <li>• <u>the gas transmission pipeline</u></li> <li>• <u>or words to similar effect</u></li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
FS41.49	Channel Terminal Services Ltd	Definitions	Support in part	Hazardous facility definition. - Exclude gas transmission pipeline from definition  Clarus submission point 309.13	<ul style="list-style-type: none"> <li>• Channel supports the submission to clarify that the gas transmission pipeline is excluded from the definition of hazardous facility with further amendments as set out</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
FS98.29	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Oppose in part	Oppose in part the proposed definition for Hazardous Facility  Clarus submission point 309.13 for definition hazardous facility	<ul style="list-style-type: none"> <li>• The Fuel Companies support the intent of the submission to protect fuel pipelines. However, the proposed definition for “hazardous facility” should be deleted in full, and an amended definition provided for “significant hazardous</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions

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					facility” as sought in the Fuel Companies submission.		
309.20	Clarus	Definitions	Support	Significant Hazardous Facility definition. Retain.	<ul style="list-style-type: none"> <li>It is important that hazardous facilities are identified and managed.</li> <li>Clarus understand that this definition does not include the gas transmission pipeline, but would include gas stored in containers or vessels above the quantity thresholds.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
FS98.30	Fuel Companies (BP, Mobil & Z Energy)	Definitions	Oppose	<b>REJECT</b> the proposed definition for Significant Hazardous Facility  Clarus submission point 309.20 for definition Significant hazardous facility	<ul style="list-style-type: none"> <li>An amended definition should be provided for “significant hazardous facility” as sought in the Fuel Companies submission.</li> </ul>	Accept in part	Topic 1. Hazardous Substances chapter definitions
309.51	Clarus	General	Support	<b>RETAIN</b> the Hazardous Substances chapter. AND Any necessary consequential changes to the Proposed District Plan that are required to give effect to the submission.	<ul style="list-style-type: none"> <li>The provisions are necessary and appropriate, other than as specifically noted in other submission points.</li> </ul>	Accept in part	Topic 3. Hazardous Substances chapter general
FS98.31	Fuel Companies (BP, Mobil & Z Energy)	General	Oppose	Oppose retaining the hazardous substances chapter.  Clarus submission point 309.51 for retaining whole chapter	<ul style="list-style-type: none"> <li>Oppose retaining the hazardous substances chapter as notified to the extent this is inconsistent with</li> </ul>	Accept in part	Topic 3. Hazardous Substances chapter general

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					the relief sought in the Fuel Companies submission.		
309.52	Clarus	HS-R1	Amend	<p><b>AMEND</b> the title of HS-R1 as follows:  <del>The Facilities for the use, storage or disposal of any hazardous substances where not addressed by another rule in this section.</del></p> <p>AND            Any necessary consequential changes to the Proposed District Plan that are required to give effect to the submission.</p>	<ul style="list-style-type: none"> <li>HS-R1 could unintentionally regulate matters that are already regulated elsewhere. Council should focus its regulation on the establishment of facilities which use, store or dispose of hazardous substances.</li> <li>This rule overlaps with other rules and this should be clarified.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
310.21	Fonterra Limited	HS-S1	Amend	<p><b>ADD</b> a new "Exemption" to HS-S1, as follows:  <u>Exemptions to HS-S1 Hazardous substances permitted activity thresholds:</u>            1. <u>The storage and use of hazardous substances associated with the operation of the Maungatūroto Dairy Factory.</u></p>	<ul style="list-style-type: none"> <li>A range of hazardous substances are stored and used at the Maungatūroto Site, in compliance with the Hazardous Substances and New Organisms Act 1996, Health and Safety at Work Act 2015, and Health and Safety at Work (Hazardous Substances) Regulations 2017.</li> <li>The Maungatūroto Site (located within the Heavy industrial zone) is entirely suitable for the storage and the storage and use of hazardous substances.</li> <li>Additional controls in the Kaipara District Plan are not required. Accordingly, Fonterra seeks that the Maungatūroto Site is exempt</li> </ul>	Reject	Topic 8: Hazardous Substances permitted activity thresholds

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					from compliance with the Hazardous Substances Activity Status Table. This approach would be consistent with Operative District Plan.		
311.1	Fuel Companies (BP, Mobil, Z)	Definitions	Oppose in part	<p><b>AMEND</b> the definition of Cumulative Risk as follows:</p> <p>Means in the context of hazardous substances, the risk posed by a <u>significant</u> hazardous facility added to or multiplied, or otherwise accumulated by risk from other <u>significant</u> hazardous facilities in the vicinity where risks of one facility can influence the risk of the other.</p>	<ul style="list-style-type: none"> <li>Consistent with the Fuel Companies submission seeking the deletion of the definition of “hazardous facility” and the amendment to the definition on “Significant Hazardous Facility”, the definition of “cumulative risk” (which is only referenced once in a hazardous substance policy) should be amended to only apply to significant hazardous facilities.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions
311.3	Fuel Companies (BP, Mobil, Z)	Definitions	Oppose	<p><b>DELETE</b> definition of 'Hazardous Facility'.</p>	<ul style="list-style-type: none"> <li>The Resource Legislation Amendment Act 2017 (RLAA) removed the explicit function of district and regional councils to control the adverse effects of the storage, use, disposal or transportation of hazardous substances under sections 30 and 31 of the RMA. While councils do retain a broad power under the RMA to manage hazardous substances through their plans and policy statements to achieve the purpose of the RMA and to</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<p>carry out the function of integrated management of natural and physical resources in their region/district, this should only be exercised where the potential environmental effects are not adequately addressed by other legislation, including by the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015 (HSWA).</p> <ul style="list-style-type: none"> <li>• HSNO and HSWA consider surrounding land uses generically, by including different clearances with respect to substances (HSNO) or surrounding land uses (HSWA). Most of these controls apply regardless of where that substance is stored or used and apply a precautionary approach which provides for an acceptable level of safety in most circumstances. Generally, the HSNO and HSWA controls are adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances. In particular circumstances, it may be appropriate that RMA controls are used. However, only where robust section 32 analysis is able to demonstrate that such controls</li> </ul>		

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<p>are both necessary and efficient. The expectation is that controls on hazardous substances in RMA plans will be the exception rather than the norm.</p> <ul style="list-style-type: none"> <li>The provisions in the PDP essentially roll-over the existing permitted quantity thresholds contained in Appendix 25D of the Operative District Plan and apply controls to a broad range of facilities storing hazardous substances including service stations. No risk-based evidence is provided to demonstrate why there is a need to manage all risk associated with hazardous substances storage through RMA land-use controls, particularly where compliance with HSNO and HSWA requirements mean risk is largely contained within the boundary of a site. This is contrary to the intent of the MfE guidance<sup>2</sup> produced in response to RLAA 2017, which is clear that hazardous substances provisions in district plans that are not necessary to deal with potential environmental effects not already covered by other legislation should be removed. Also, that RMA controls on tanks that are</li> </ul>		

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<p>subject to HSNO regulations are generally not necessary. One area where the Fuel Companies recognise there is a potential land use planning gap is in relation to Major Hazard Facilities (as designated under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016) and the potential interface with adjoining land uses. This is because these facilities are usually of such a scale that even when managed in accordance with HSNO and HSWA requirements and industry best practice, residual risk will likely extend beyond the property boundary. In these situations, the acceptability of that residual risk in the context of surrounding land uses will be a relevant land use planning consideration.</p> <ul style="list-style-type: none"> <li>• In some instances, councils adopt a broader definition of 'Significant Hazardous Facility' (SHF) which includes Major Hazard Facilities (see point below relating to SHF definition).</li> <li>• Where effects from a SHF are not fully addressed by compliance with HSNO and HSWA, measures such as location specific risk</li> </ul>		

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<p>overlays or separation distances (using risk contours based on a risk analysis) may be appropriate. Depending on the risk, it may be appropriate to consider land use restrictions on land in the vicinity of a SHF to enable the SHF to carry out operations, including maintenance and upgrades, without being unreasonably constrained by encroachment of sensitive activities.</p> <ul style="list-style-type: none"> <li>• In light of the RLAA and controls under other legislation, district plan hazardous substance controls are largely considered to be unnecessary in most circumstances, unless intervention is clearly justified by robust section 32 analysis. This level of analysis has not been undertaken by the Council's section 32 evaluation report. There is no justification for the 'hazardous facility' definition or for the level of intervention and restriction that appears in the hazardous substances chapter of the PDP, i.e. where the storage and use of hazardous substances is below the threshold applied to a SHF.</li> <li>• Refer to other Fuel Companies submission points on the SHF</li> </ul>		

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					definition and provisions in the hazardous substances chapter.		
311.4	Fuel Companies (BP, Mobil, Z)	Definitions	Support	<b>RETAIN</b> definition of Hazardous Substance.	<ul style="list-style-type: none"> <li>The Fuel Companies support that the definition of Hazardous Substance is the same as that in Section 2 of the RMA.</li> </ul>	Accept in Part	Topic 1. Hazardous Substances chapter definitions
311.7	Fuel Companies (BP, Mobil, Z)	Definitions	Oppose	<p><b>DELETE</b> the definition of Significant Hazardous Facility and replace with the following:</p> <p><del>means a site where the aggregate quantity of any hazardous substance of any hazard classification on the site exceeds the quantity specified for the applicable zone in Standard HS-S1 in the Hazardous Substances chapter of this plan.</del></p> <p><u>means the use of land and/or buildings (or any part of) for one or more of the following activities:</u></p> <p><u>a)Any Major Hazard Facility designated under the Health and Safety at work (Major Hazard Facilities) Regulations 2016;</u></p> <p><u>b)Manufacturing, including the associated storage, of hazardous substances (including agrichemicals, fertilisers, acids/alkalis or paints);</u></p>	<ul style="list-style-type: none"> <li>Refer to detailed comments in relation to the submission on the definition for hazardous facility.</li> </ul>	Reject	Topic 1. Hazardous Substances chapter definitions

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
				<p>c)<u>Petroleum exploration and petroleum production facility;</u>  d)<u>The storage/use of more than 100,000L of petrol or diesel;</u>  e)<u>The storage/use of more than 6 tonnes of LPG;</u>  f)<u>Galvanising plants;</u>  g)<u>Electroplating and metal treatment;</u>  h)<u>Tanneries;</u>  i)<u>Timber treatment;</u>  j)<u>Freezing works and rendering plants;</u>  k)<u>Wastewater treatment plants;</u>  l)<u>Metal smelting and refining (including battery refining or recycling);</u>  m)<u>Milk processing plants; or</u>  n)<u>Polymer foam manufacturing.</u></p> <p>The storage of petrol and diesel in (d) above does not include the <u>underground storage at service stations and commercial refuelling facilities undertaken in accordance with HSNOCOP 44 Below Ground Stationary Container Systems for Petroleum - Design and Installation and HSNOCOP 45 Below Ground Stationary Containers Systems for Petroleum - Operation (or more recent relevant WorkSafe guidance for underground fuel storage.)</u></p>			
FS83.21	New Zealand Agricultural	Definitions	Support in Part	<b>AMEND</b> the definition of significant hazardous facility by accepting change	<ul style="list-style-type: none"> <li>The definition should be consistent with Major Hazardous</li> </ul>	Accept in part	Topic 1. Hazardous

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
	Aviation Association			sought in 311.7 clause a) Any major facility designated under the Health and Safety at Work (Major Hazard facilities ) Regulations 2016.  Fuel Companies (BP, Mobil & Z Energy) Submission Point 311.7 Definition of Significant Hazardous Facility	facility under the Health and Safety at Work Major Hazard Facilities Regulations and not linked to HS-S1		Substances chapter definitions
311.23	Fuel Companies (BP, Mobil & Z Energy)	Overview	Oppose	<b>AMEND</b> the Overview of the Hazardous Substances chapter, including deletion of the 4th and 6th paragraphs as follows: ... Hazardous Substances are regulated under the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015 (HSWA). The district plan has the supporting role of controlling the land use activities including man-made hazards of a chemical nature <u>provided these do not duplicate controls in HSNO, HSWA or other legislation.</u> <del>Land use activities controls involving hazardous substances have the potential to result in an increased risk of adverse environmental effects to those members of the public who could be exposed to the substances, and the surrounding environment may be necessary to manage the risks associated with Significant Hazardous Facilities and their potential impacts on</del>	<ul style="list-style-type: none"> <li>Refer to detailed submission reasons provided for the deletion of the definition on “hazardous facility” and the amendment to the definition on “Significant Hazardous Facility” (SHF).</li> <li>The Resource Legislation Amendment Act 2017 (RLAA) removed the explicit function of district and regional councils to control the adverse effects of the storage, use, disposal or transportation of hazardous substances under sections 30 and 31 of the RMA. the chapter overview needs to better reflect the functions of Council under the RMA and the need to avoid duplication of controls under the HSNO and HSWA legislation, and to refocus the chapter towards controlling the risks associated with significant hazardous facilities. These matters are</li> </ul>	Accept in part	Topic 2. Hazardous Substances chapter overview

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
				<p><del>other sensitive activities, incompatible land uses and the environment. ...</del>  <del>...Risks are influenced by the location of an activity and the surrounding environment. For example, hazardous facilities located in areas subject to natural hazards may be exposed to greater risks of damage or failure resulting in an event involving a hazardous substance.</del></p> <p>The provisions of this chapter acknowledge the benefits of hazardous substances, while aiming to minimise the adverse effects of <del>hazardous substances</del> <u>Significant Hazardous Facilities</u> in relation to sensitive activities (i.e. residential activities, schools, places of assembly) and sensitive environments (i.e. wetlands, waterways), <del>areas of identified the risks of</del> <u>natural hazards and cumulative effects where multiple hazardous facilities are located within proximity to each other. It also seeks to minimise reverse sensitivity effects on Significant Hazardous Facilities.</u> Hazardous substances stored or used in identified natural hazards areas are separately addressed in the Natural Hazards chapter.</p> <p><del>The rules control quantities of defined hazardous substances classes that are</del></p>	<p>reflected in the changes/deletions to the 1st and 2nd paragraphs.</p> <ul style="list-style-type: none"> <li>• The 3rd and 4th paragraph both deal with the risks associated with hazardous substances.</li> <li>• The amendments are necessary as the objectives, policies and rules of the chapter are not specific to the location of the activity and to reflect the submitters proposed shift in focus to significant hazardous facilities and address reverse sensitivity effects.</li> </ul>		

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
				<p>significant enough to potentially pose a significant risk to public safety and the environment with respect to the various zones across the Kaipara District. The sites where such activities take place are defined as significant hazardous facilities. These provisions assist other legislation in the management of hazardous substances in significant quantities, taking location into account.</p> <p>AND</p> <p>Any consequential or alternative relief required to achieve the same outcome.</p>			
311.24	Fuel Companies (BP, Mobil & Z Energy)	HS-O1	Support	<p><b>RETAIN</b> HS-O1 as notified.</p> <p>AND</p> <p>Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>Support the objective.</li> </ul>	Accept in part	Topic 5: Hazardous Substances objectives
311.25	Fuel Companies (BP, Mobil & Z Energy)	HS-O2	Support	<p><b>RETAIN</b> HS-O2 as notified.</p> <p>AND</p> <p>Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>Support the objective.</li> </ul>	Accept in part	Topic 5: Hazardous Substances objectives
311.26	Fuel Companies (BP, Mobil & Z Energy)	HS-P1	Support	<p><b>AMEND</b> HS-P1 as follows:</p> <p><u>Significant</u> hazardous facilities</p> <p><u>Significant</u> Hazardous facilities must minimise the risk to the environment (including people and property) by:</p> <ol style="list-style-type: none"> <li>Siting new significant hazardous facilities in appropriate locations that are separated from</li> </ol>	<ul style="list-style-type: none"> <li>Refer to detailed submission reasons provided for the deletion of the definition of “hazardous facility” and the amendment to the definition of “Significant Hazardous Facility” (SHF).</li> <li>Refer also to the submission reasons above on the hazardous substances chapter overview.</li> </ul>	Accept in part	Topic 6: Hazardous Substances policies

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				<p>incompatible activities, <del>such as including sensitive activities and use and infrastructure, and sensitive environments;</del></p> <p>2. Designing, constructing and operating <u>significant</u> hazardous facilities in a manner <u>that avoids or adequately mitigate</u> <del>ensures the</del> adverse effects, <u>including risks, to people, property and the environment of the operation or an accidental event involving hazardous substances can be contained within the site;</u> and</p> <p>3. Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place and avoiding the storage, processing or disposal of hazardous wastes in sensitive environments.</p>	<ul style="list-style-type: none"> <li>• Support the general intent of the policy but consider that it should be refocussed on the risks associated with SHF.</li> <li>• Support the general intent of clause 1 that a SHF is to be separated from incompatible activities, but are concerned that the phrase “sensitive land use and infrastructure, and sensitive environments” is ambiguous and could lead to situations where a SHF is unreasonably restricted in its location, problems with the phrase could be: <ul style="list-style-type: none"> <li>• “Sensitive land use” is an undefined term (cf. term “sensitive activities”);</li> <li>• Reference to “infrastructure” it is unclear if this is intended to mean all infrastructure or “sensitive infrastructure”. The latter is undefined, but in either case, infrastructure is not a sensitive activity such that it would be incompatible with a SHF.</li> <li>• Reference to “sensitive environments” is also undefined.</li> </ul> </li> <li>• It will not be possible, in most situations, to contain the adverse effects of an accidental event within the boundaries of a site. This will be the case for an</li> </ul>		

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<p>incident at any facility whether or not hazardous substances are stored at the site. i.e. a fire at any commercial building will have the potential to generate off-site effects such as smoke, escalation of the event to nearby property and contaminated runoff.</p> <ul style="list-style-type: none"> <li>The relevant issue is that the risks associated with a SHF are appropriately managed taking into the nature of substances stored and the sensitivity of the surrounding environment.</li> </ul>		
311.27	Fuel Companies (BP, Mobil & Z Energy)	HS-P2	Oppose	<p><b>AMEND</b> HS-P2 as follows: Ensure <u>Significant Hazardous Facilities</u> <del>for the use, storage or disposal of hazardous substances in significant quantities</del> identify and assess potential adverse effects (including cumulative risk and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment. AND Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>Concern that the policy is vague and ambiguous, i.e. reference to “significant quantities” of hazardous substances and the point at which an identification and assessment of the risks are necessary.</li> <li>Should be refocussed on the risks associated with significant hazardous facilities, similar to submission for HS-P1, as well as the new definition submitted for significant hazardous facilities.</li> <li>This approach is considered to be clearer without needing to rely on complex hazardous substances</li> </ul>	Reject	Topic 6: Hazardous Substances policies

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<p>quantity thresholds set out in HS-S1.</p> <ul style="list-style-type: none"> <li>Hazardous substances quantity thresholds in HS-S1 appear likely to duplicate the controls that already apply to the storage and management of these substances under the Health &amp; Safety at Work regulations. No justification has been provided to demonstrate the need for these matters to be controlled through the PDP.</li> </ul>		
311.28	Fuel Companies (BP, Mobil & Z Energy)	HS-P3	Support	<p><b>AMEND</b> HS-P3 as follows: Avoid as far as practicable reverse sensitivity effects from sensitive <del>land use</del> activities on lawfully established significant hazardous facilities. AND Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>Support a policy that recognises the potential for reverse sensitivity effects in relation to lawfully established significant hazardous facilities and which supports the objective.</li> <li>A minor terminology change is required to match the definition for “sensitive activities”.</li> </ul>	Reject	Topic 6: Hazardous Substances policies
311.29	Fuel Companies (BP, Mobil & Z Energy)	HS-R1	Oppose	<p><b>DELETE</b> HS-R1. AND Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>Rule is opposed in line with other submissions (311.27) as this duplicates the controls through the Health &amp; Safety at Work regulations and the reasons for this duplication have not been justified through the Council’s s32 analysis.</li> </ul>	Reject	Topic 7: Hazardous Substances rules

## Appendix A - Officers Recommendation Decisions on Submissions - Hazardous Substances

Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<ul style="list-style-type: none"> <li>The chapter should only seek to manage Significant Hazardous Facilities where there are potential risks beyond the boundaries of a site, and therefore, HS-R1 should be deleted.</li> </ul>		
FS83.22	New Zealand Agricultural Aviation Association	HS-R1	Support in Part	<p><b>DELETE</b> HS-R1 and replace with permitted activity rule as sought by NZAAA 146.20.</p> <p>Fuel Companies (BP, Mobil &amp; Z Energy) submission point 311.29 HS-R1 seeking to delete HS-R1 in its entirety.</p>	<ul style="list-style-type: none"> <li>NZAAA supports the deletion of the framework in HS-R1 but considers it is important to include a permitted activity rule for storage use and disposal of hazardous substances but with no attached standard.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
311.30	Fuel Companies (BP, Mobil & Z Energy)	HS-R4	Oppose	<p><b>DELETE</b> HS-R4.</p> <p>AND</p> <p>Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>As detailed in other submission points on the hazardous substances' provisions, the approach proposed to the management of hazardous substances as a whole is opposed.</li> </ul>	Reject	Topic 7: Hazardous Substances rules
FS83.23	New Zealand Agricultural Aviation Association	HS-R4	Support	<p><b>DELETE</b> HS-R4 as sought 311.30 Fuel Companies (BP, Mobil &amp; Z Energy) Submission point 311.30 HS-R4 seeking to delete HS-R4 in its entirety</p>	<ul style="list-style-type: none"> <li>NZAAA seeks the deletion of HS-R4 for the reasons set out in the submission ref 311.30.</li> </ul>	Reject	Topic 7: Hazardous Substances rules

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
311.31	Fuel Companies (BP, Mobil & Z Energy)	HS-R5	Oppose	<p><b>DELETE</b> HS-R5. AND <b>ADD</b> a new suite of rules for Significant Hazardous Facilities, subject to the zone or overlay in which it occurs. AND Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>• Refer to previous submissions on “hazardous facility” and the amendment to the definition on “Significant Hazardous Facility” (SHF). Refer also to 311.23.</li> <li>• Within the hazardous substances chapter, service stations is the only hazardous substance activity that is specifically listed as needing a resource consent. In all other circumstances, hazardous substances exceeding the thresholds in HS-S1 fall under the generic restricted discretionary Rule HS-R1.2.</li> <li>• All services stations would require a resource consent, as a controlled or restricted discretionary activity, subject to the volume of underground fuel stage in General Rural, Commercial and Industrial Zones, and a restricted discretionary activity in all other zones.</li> <li>• Oppose the control of underground storage of fuel for retail sale within a service station, as not being risk based and the restrictive approach has not been justified through a robust section 32 analysis and the rule should be deleted.</li> </ul>	Reject	Topic 7: Hazardous Substances rules

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<ul style="list-style-type: none"> <li>• The approach in the hazardous substances chapter is inconsistent with the majority of other district plans (or proposed plans) across NZ.</li> <li>• The petroleum industry is required to comply with Health and Safety at Work Act legislation and regulations, and these are considered to be sufficient to manage on and off-site risk for most hazardous storage and use activities, including the underground storage of fuel at service stations. It is not considered effective, efficient or appropriate to require resource consent for storage and use of these products which are already well controlled and are not known to generate issues that specifically require control under the RMA.</li> <li>• Consider that the rule framework should apply specifically to SHF's, subject to the SHF definition being amended, as sought in other submissions.</li> <li>• Any rules relating to SHF's to replace rule HS-R1, HS-R4 and HS-R5 may be similar to those in the Far North Proposed District Plan, including a permissive rule for the maintenance and repair of</li> </ul>		

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					an existing SHF, or a new SHF in an industrial zone, and restrictive rule for SHF in other zones or overlays.		
FS83.24	New Zealand Agricultural Aviation Association	HS-S1	Support	NZAAA seeks the deletion of HS-S1 for the reasons set out in the submission.  Fuel Companies (BP, Mobil & Z Energy) submission point 311.31 HS-S1 seeking to delete HS-S1 in its entirety.	<ul style="list-style-type: none"> <li>Delete HS-S1 as sought 311.31</li> </ul>	Reject	Topic 8: Hazardous Substances permitted activity threshold
311.32	Fuel Companies (BP, Mobil & Z Energy)	HS-MAT1	Oppose	<b>DELETE</b> HS-MAT1. AND <b>AMEND</b> HS-MAT2 as appropriate to the new suite of significant hazardous facility rules as sought in other submissions. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> <li>Refer to reasons given in the submission points for the deletion of the definition on “hazardous facility”, the amendment to the definition on “Significant Hazardous Facility” (SHF), and the other submissions on the provisions of the hazardous substances chapter.</li> <li>The matters of discretion HS-MAT1 are generally opposed as many of the clauses relate to facility design and management matters that are already addressed by way of compliance with HSNO and HSWA.</li> <li>HS-MAT1.c. infers a requirement for hazardous facilities to have an operational or functional need to be in the location proposed. That</li> </ul>	Reject	Topic 7: Hazardous Substances rules, matters for discretion, standards

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<p>may be relevant in some limited circumstances, but not all and will not necessarily be related to the acceptability of risk.</p> <ul style="list-style-type: none"> <li>Should a 'restricted discretionary' activity status remain following the development of a new set of rules (per the Fuel Companies broader submission points on the hazardous substances provisions), the matters of discretion should also be redrafted accordingly.</li> <li>Refer also to submission point 311.33.</li> </ul>		
311.33	Fuel Companies (BP, Mobil & Z Energy)	HS-MAT2 R	Oppose	<p><b>DELETE</b> HS-MAT2. AND <b>AMEND</b> HS-MAT2 to redraft as appropriate to the new suite of significant hazardous facility rules sought in broader submissions on the hazardous substances' provisions. AND Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>Refer to reasons given in the submission points for the deletion of the definition on "hazardous facility", the amendment to the definition on "Significant Hazardous Facility" (SHF), and the other submissions on the provisions of the hazardous substances chapter.</li> <li>The matters of discretion HS-MAT1 are generally opposed as many of the clauses relate to facility design and management matters that are already addressed by way of compliance with HSNO and HSWA.</li> </ul>	Reject	Topic 7: Hazardous Substances rules, matters for discretion, standards

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<ul style="list-style-type: none"> <li>• HS-MAT1.c. infers a requirement for hazardous facilities to have an operational or functional need to be in the location proposed. That may be relevant in some limited circumstances, but not all and will not necessarily be related to the acceptability of risk.</li> <li>• Should a 'restricted discretionary' activity status remain following the development of a new set of rules (per the Fuel Companies broader submission points on the hazardous substances provisions) the matters of discretion should also be redrafted accordingly.</li> <li>• Refer also to submission point 311.32.</li> </ul>		
311.34	Fuel Companies (BP, Mobil & Z Energy)	HS-S1 Haz	Oppose	<p><b>DELETE</b> HS-S1. AND <b>AMEND</b> the definition of "Significant Hazardous Facility" as requested in other points of this submission. AND Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> <li>• Refer to reasons given in the submission points for the deletion of the definition on "Significant Hazardous Facility" (SHF), and the above provisions HS-P2, HS-R1 and HS-R5, the hazardous substances quantity thresholds in HS-S1 are opposed as they duplicate the controls through the Health &amp; Safety at Work regulations.</li> <li>• HS-S1 is essentially a rollover of the Operative District Plan, and the continuation of this approach</li> </ul>	Reject	Topic 8: Hazardous Substances permitted activity thresholds

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Submission Point No.	Submitter	Provision	Position	Summary of Decision Requested	Reasons	Officer Recommendation	Relevant section of S42A Report
					<p>has not been justified through the Council's section 32 analysis as the most efficient or effective way of controlling Hazardous Substances in the District.</p> <ul style="list-style-type: none"> <li>• If the suggested definition of Significant Hazardous Facility and associated proposed rule framework is adopted, HS-S1 would no longer be necessary.</li> <li>• The submitters proposed approach still achieves the intent sought by the Council but in a more efficient and effective way that appropriately manages risk associated with the establishment of SHF in the District.</li> </ul>		