

APPENDIX C: SECTION 32AA EVALUATION

1. Introduction

This section 32AA evaluation relates to the recommended amendments to the Hazardous Substances chapter and supports the discussion, analysis and recommendation in the section 42A report.

A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in this report needs to be at a level of detail that corresponds to the scale and significance of the changes recommended. Section 32AA of the Resource Management Act requires that any changes made or proposed to a plan since its initial evaluation report must undergo a subsequent evaluation. This additional assessment is to be undertaken in accordance with sections 32(1) through 32(4), with the level of detail reflecting the extent and importance of the proposed changes.

Overall, the majority of the proposed Hazardous Substances chapter has been recommended to be retained as notified, with some minor wording refinement proposed to the definitions, and overview section. Three targeted amendments are recommended to improve clarity and workability.

1. Refinements to policies HS-P1 and HS-P2, to explicitly reference 'significant hazardous facilities', clarifying the chapter's focus on facilities exceeding threshold quantities in Standard HS-S1;
2. An exemption for emergency services under rule HS-R1;
3. Consequential amendments to the Overview section and definitions to support these changes. These amendments respond to submissions raising duplication concerns and seeking clarity about the plan's role in relation to HSNO and HSWA regulations.

In addition to the clarifying amendments to the Overview, definitions, and policies HS-P1 and HS-P2, a minor drafting correction is recommended to Rule HS-R5 (Storage of fuel for retail sale within a service station). This amendment corrects an internal inconsistency in the notified rule framework by clearly articulating the activity status cascade and ensuring consistency between the rule text, matters for discretion, and the section 42A assessment. The amendment does not introduce new policy direction or regulatory scope and is limited to improving clarity and workability.

1.1 Summary of Amendments Subject to s32AA Evaluation

The following amendments have been subject to this section 32AA evaluation:

- Amended HS-P1 heading and wording to explicitly reference Significant Hazardous Facilities;
- Amended HS-P2 wording (explicit application to significant hazardous facilities);
- Addition of emergency services exemption under HS-R1.
- A drafting correction to HS-R5 to complete the activity status cascade for fuel storage at service stations, including clarification of when activities escalate from controlled to restricted discretionary and discretionary status, particularly within sensitive zones.

Given the limited nature of these changes, primarily clarifying existing intent rather than introducing new regulatory requirements, the s32AA evaluations are proportionately brief.

In accordance with s32AA, this evaluation is proportionate to the scale and significance of the changes, which are limited in scope and do not alter the overall policy intent of the Hazardous Substances chapter, rather, these amendments clarify the application of the chapter's provisions and improve workability for plan users and decision-makers.

2. Evaluation of Significant Hazardous Facilities framework

2.1 Evaluation of Objectives

Council must evaluate, in accordance with s32 of the RMA, the extent to which the objective proposed is the most appropriate way to achieve the purpose of the RMA. Section 32 clarifies that "objectives" can mean the purpose of the proposal.¹

While the notified chapter already included the term 'significant hazardous facility' (defined as facilities exceeding threshold quantities in HS-S1), submissions identified uncertainty about the scope of plan provisions and raised concerns about potential duplication with HSNO and HSWA regulations. The recommended amendments clarify that policies and rules focus on significant hazardous facilities, those exceeding thresholds where residual land use effects warrant district plan oversight.

This represents a clarification and refinement of the chapter's intended scope rather than a fundamental policy shift. However, as the amendments give greater prominence to the threshold-based framework and explicitly tie key policies to 'significant hazardous facilities', this systematic approach warrants evaluation under s32AA.

¹ RMA s32(6)

The framework approach involves:

- Retaining and clarifying the definition of ‘Significant Hazardous Facility’ as sites where aggregate quantities exceed applicable zone thresholds in HS-S1;
- Amending policy headings and wording to explicitly reference significant hazardous facilities (HS-P1, HS-P2);
- Maintaining the threshold table (HS-S1) as the trigger mechanism;
- Clarifying the Overview section. to explain the chapter’s focus on residual land-use effects;
- Ensuring consistent cross-referencing between definitions, policies, and rules.

Under s32(6) RMA, “objectives” means the purpose of the proposal. The purpose of these amendments is to clarify the chapter’s focus on managing land-use effects from significant hazardous facilities, while maintaining the notified objectives HS-O1 and HS-O2 unchanged. For the purposes of this s32AA evaluation, this clarifying purpose constitutes the ‘objective’ being evaluated.

The purpose of the recommended amendments is to clarify the chapter’s focus on managing land-use effects from significant hazardous facilities (those exceeding threshold quantities in Standard HS-S1), while maintaining the notified objectives HS-O1 and HS-O2 unchanged. This clarification achieves several related outcomes:

- Provides certainty to plan users about when district plan provisions apply;
- Focuses regulatory attention on facilities with genuine potential for residual land-use effects;
- Reduces perceived duplication with HSNO and HSWA operational safety controls;
- Maintains proportionate regulation consistent with RMA s31 functions and s18A non-duplication requirement.

Evaluation of objectives:	
Part 2 RMA	Comment
Section 5 Purpose	This objective achieves a range of the Part 2 purpose and principles. Regarding the purpose (s5), the objective contributes to sustainable management by safeguarding long-term social, economic and cultural wellbeing and health and safety. Wellbeing is supported by recognising the important economic and social benefits of hazardous substances. Health and safety are addressed by controlling location of significant hazardous facilities, where potential adverse effects are greatest. Section 5(a) is supported to the extent that risks to property are addressed. Adverse effects on the environment, s5(c), are addressed by this objective and by natural hazards and zone objectives.

Evaluation of objectives:

Part 2 RMA	Comment
	<p>The objective supports section 5(a) by sustaining the potential of physical resources to meet the reasonably foreseeable needs of future generations, and 5(c) in relation to avoiding and mitigating reverse sensitivity effects on the environment.</p> <p>By focusing regulatory attention on significant hazardous facilities through clear thresholds in HS-S1, the amendments enable lower-risk activities to operate without unnecessary consenting requirements, thereby supporting economic efficiency and social wellbeing (s5(2)(b) and (c)) while maintaining appropriate environmental safeguards for higher-risk operations.</p>
Section 6 Matters of national importance	No matters of national importance are affected.
Section 7 Other matters	Reframing the objectives to focus on significant hazardous facilities is consistent with section 7 of the RMA, as it promotes a more efficient and proportionate approach to managing natural and physical resources. By directing policy attention to facilities with greater potential for adverse effects, the amendments support efficiency (s7(b)), recognise the finite characteristics of the environment (s7(g)), and improve clarity and certainty for plan users. This targeted focus better aligns the planning response with the scale of potential effects while avoiding unnecessary regulation of low-risk activities.
Section 8 Treaty of Waitangi	<p>The amended objectives do not raise any issues with the principles of the Treaty of Waitangi.</p> <p>The amendments are a narrowing of the existing objective of the Hazardous Substances and does not alter the substantive relationship with Treaty principles.</p>

2.2 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified for providing objective level support for managing the effects of hazardous substances:

Option 1 – Status Quo: retain HS-P1 and HS-P2 of the PDP as notified.

Option 2 – Amend HS-P1 and HS-P2 to focus on significant hazardous facilities: Retain the concept of “significant hazardous facility” determined by hazardous substance quantity thresholds. This approach would retain most hazardous facilities as permitted. This would require few land use consents, which would only be triggered by significant hazardous facilities. These two policies would be narrowed to apply to significant hazardous facilities rather than the broader hazardous facilities category.

This approach aligns with the council’s s31 functions under the RMA, which relate to managing land use effects rather than operational hazardous substance controls managed under HSNO/HSWA.

2.3 Preferred Option

The preferred option is Option 2, because this avoids unnecessary regulation of activities with low risks, while focusing on the more significant activities that pose a greater environmental risks to eco-systems and communities. Overall, it is considered that Option 2 will best achieve the objective as it provides clearer and more consistent policy direction, and more effectively and efficiently focuses the plan on managing the higher-risk significant hazardous facilities.

2.4 Evaluation of Amended Provisions

The recommended amendments are:

- Amend HS-P1 to:
 - Change heading from 'Hazardous facilities' to 'Significant Hazardous Facilities'
 - Insert 'Significant' before 'Hazardous facilities' in the chapeau and clauses 1 and 2
 - Ensure 'Significant Hazardous Facilities' is hyperlinked to the definition
- Amend HS-P2 to replace 'Ensure facilities for the use, storage or disposal of hazardous substances in significant quantities' with 'Ensure that significant hazardous facilities are designed and located to'.

Amendment: Refocus HS-P1 and HS-P2 on Significant Hazardous Facilities		
Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
Environmental	No identified environmental costs.	Provides clearer direction for managing higher-risk activities, improving protection of sensitive environments and ensuring regulatory effort is focused where potential adverse effects are greatest.
Economic	No identified economic costs.	The provisions benefit a wide range of hazardous facilities by enabling these as permitted activities. Higher risk significant hazardous facilities are facilitated through restricted discretionary resource consents. The provisions provide benefits in continuing the approach of the KDC, avoiding educational costs involved in significant changes to policy. The provisions benefit existing hazardous facilities from constraint due to reverse sensitivity effects by controlling the location of new sensitive activities nearby.

Social	No identified social costs.	The provisions benefit social activities and resources (e.g., homes and schools) by managing risk to sensitive activities.
Cultural	No identified cultural costs.	The provisions benefit cultural activities and resources (e.g., marae, kura and papakāinga) by managing risk to sensitive activities.
Economic growth provided or reduced	Opportunities for economic growth are enabled by the proposed provisions permitting hazardous facilities. Resource consents for significant hazardous facilities are given a simplified restricted discretionary activity status, which can result in additional economic growth opportunities. Opportunities for economic growth at hazardous facilities are enabled by avoiding reverse sensitivity effects from sensitive development in the vicinity.	
Employment opportunities	Opportunities for employment are enabled by the proposed provisions permitting many hazardous facilities. Resource consents for significant hazardous facilities are given a simplified restricted discretionary activity status, which can result in additional employment opportunities. Opportunities for employment are enabled by avoiding reverse sensitivity effects from sensitive development in the vicinity.	
Uncertain or insufficient info	There is no uncertain or insufficient information	
Risk of acting or not acting	Low risk.	
Effectiveness		
<p>The proposed amendments will be more effective as they provide clearer direction and responds to submitter concerns about scope. The policy addresses land-use effects only and does not regulate operational safety matters addressed under HSNO or HSWA</p> <p>It is effective as it clarifies the policy's application and ensures consistent use of terminology throughout the chapter.</p>		
Efficiency		
<p>The proposed amendments will be more efficient as they target the policy at activities requiring consent. The amendment is efficient as it uses the defined term and avoids the need for interpretation of 'significant quantities'.</p>		
Summary		
<p>For the reasons set out above, Option 2 is the most efficient and effective option for achieving the objective of the proposal. By focusing HS-P1 and HS-P2 on 2.1 significant hazardous facilities, the plan ensures it only guides activities that warrant RMA oversight. This maintains consistency with s31 functions and avoids regulating what HSNO/HSWA already cover at a routine level.</p> <p>The amendment avoids ambiguity by clearly focusing the policy on significant hazardous facilities (as identified through exceedance of the PDP's threshold tables) rather than using the less precise phrase 'significant quantities'.</p> <p>As such, Option 2 is the most appropriate option in accordance with section 32AA of the RMA.</p>		

3. Emergency services

3.1 Evaluation of Objectives

Council must evaluate, in accordance with s32 of the RMA, the extent to which the objective proposed is the most appropriate way to achieve the purpose of the RMA. Section 32 clarifies that “objectives” can mean the purpose of the proposal.²

The overarching objective for this proposal is to recognise the functional and operational need for hazardous substances for emergency services.

Evaluation of objectives	
Part 2 RMA	Comment
Section 5 Purpose	The amendment to HS-R1 meets Section 5 of the RMA by enabling people and communities to provide for their health and safety through timely and unrestricted emergency response. Requiring emergency services to obtain consent for hazardous substances could delay urgent action, compromising life, property, and environmental protection. Emergency service facilities operate under strict national standards, meaning environmental risks remain low despite the exemption. The amendment therefore appropriately balances enabling community wellbeing with the management of environmental effects, consistent with the purpose of sustainable management.
Section 6 Matters of national importance	No matters of national importance are affected.
Section 7 Other matters	The amendment to HS R1 does not introduce any new section 7 matters beyond those already addressed in the evaluation of the proposal’s objectives. Relevant section 7 principles (including s7(b), s7(d), s7(f) and s7(h)) continue to be met through the overarching objectives HS O1 and HS O2, which guide the management of hazardous substances in relation to emergency services. Enabling emergency response supports s7(b) efficiency and s7(f) environmental quality indirectly (through improved incident response).
Section 8 Treaty of Waitangi	The amendment does not raise any issues with the principles of the Treaty of Waitangi. The exemption for emergency services does not alter the substantive relationship with Treaty principles.

² RMA s32(6)

3.2 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified to achieve the objective of the proposal:

Option 1 – Status Quo: retain the approach whereby emergency services are captured by the rules in the Hazardous Substances chapter.

Option 2 – Amend HS-R1 to exempt emergency services: This option enables emergency services to have unlimited hazardous substances onsite as a permitted activity.

Option 3: Advice note: This option would comprise adding an advice note below HS-S1 exempting emergency services from needing to comply with the standard.

3.3 Preferred Option

Option 1 (status quo) is not considered appropriate as it could create administrative burden and potential delays. The preferred option is Option 2, because it is considered that adding an advice note has no statutory weight, so will not provide the relief sought by Fire and Emergency New Zealand. Option 2, provides certainty to Fire and Emergency New Zealand, supporting emergency preparedness and response by enabling timely and unrestricted emergency response to protect life, property, and the environment while maintaining low environmental risk through existing national standards.

3.4 Evaluation of Amended Provisions

The recommended amendments are to add an exemption to HS-R1 for emergency service facilities and use by emergency services.

Amendment: New exemption in HS-R1 for emergency services		
Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
Environmental	Potential minor reduction in Council oversight of emergency service facilities, although these are already subject to strict national standards.	Emergency services must act quickly during hazardous substance incidents. Delays due to RMA compliance requirements could compromise life, property, and environmental protection. The exemption ensures that response capability is not hindered by planning rules. Emergency services already operate under strict national standards and protocols, meaning environmental risk remains low despite the planning rule exemption.
Economic	No identified economic costs.	Removes impractical administrative burden for routine storage and temporary

		emergency operations; supports rapid, effective emergency response.
Social	No identified social costs.	Enables emergency services to help the community more effectively
Cultural	No identified cultural costs.	No identified cultural benefits.
Economic growth provided or reduced	No potential impact on economic growth identified	
Employment opportunities	No employment-related effects have been identified. The exemption facilitates efficient emergency service operations but does not alter workforce requirements.	
Uncertain or insufficient info	There is no uncertain or insufficient information	
Risk of acting or not acting	Low risk.	
Effectiveness		
It is effective as it supports emergency preparedness and response while maintaining the chapter's focus on managing residual land-use effects from higher-risk activities.		
Efficiency		
The amendment is efficient as it removes unnecessary regulatory burden from emergency services without compromising environmental protection (which is maintained through national regulations).		
Summary		
For the reasons set out above, Option 2 is the most efficient and effective option for achieving the objective of the proposal. Fire and Emergency New Zealand [308.39] sought an exemption because emergency services must act quickly to protect life, property, and the environment during hazardous substance incidents. Requiring resource consent for storing firefighting foam or other substances exceeding HS-S1 thresholds could delay urgent response and compromise safety outcomes. Emergency service facilities operate under strict national standards and protocols, reducing the likelihood of environmental harm compared to general industrial use.		

4. Activity status pathway for fuel storage at service stations

4.1 Evaluation of Objectives

Council must evaluate, in accordance with s32 of the RMA, the extent to which the objective proposed is the most appropriate way to achieve the purpose of the RMA. Section 32 clarifies that “objectives” can mean the purpose of the proposal.³

The overarching objective for this proposal to amend HS-R5 is to ensure the Hazardous Substances chapter operates as intended by providing a clear and complete activity status pathway for fuel storage at service stations. The amendment resolves an internal drafting omission whereby the notified rule did not clearly specify the standards or triggers for escalation between activity statuses in certain zones. This clarification supports consistent interpretation and implementation of the rule and aligns HS-R5 with the matters for discretion (HS-MAT1 and HS-MAT2) and the policy framework of the chapter.

Evaluation of objectives	
Part 2 RMA	Comment
Section 5 Purpose	The amendment to HS-R5 meets Section 5 of the RMA by enabling people and communities to provide for their health and safety through timely and unrestricted emergency response. Requiring emergency services to obtain consent for hazardous substances could delay urgent action, compromising life, property, and environmental protection. Emergency service facilities operate under strict national standards, meaning environmental risks remain low despite the exemption. The amendment therefore appropriately balances enabling community wellbeing with the management of environmental effects, consistent with the purpose of sustainable management.
Section 6 Matters of national importance	No matters of national importance are affected.
Section 7 Other matters	The amendment to HS-R5 does not introduce any new section 7 matters beyond those already addressed in the evaluation of the proposal's objectives. Relevant section 7 principles (including s7(b), s7(d), s7(f) and s7(h)) continue to be met through the overarching objectives HS O1 and HS O2, which guide the management of hazardous substances in relation to emergency services. The

³ RMA s32(6)

Evaluation of objectives	
Part 2 RMA	Comment
	clearer more certain regulation supports s7(b) efficiency and s7(f) environmental quality indirectly (through improved incident response).
Section 8 Treaty of Waitangi	The amendment does not alter the substantive relationship with Treaty principles.

4.2 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified to achieve the objective of the proposal:

Option 1 – Status Quo: Retain the notified wording. This option would retain an incomplete activity status cascade, creating uncertainty as to when restricted discretionary or discretionary consent is required, particularly within sensitive zones.

Option 2 – Correct the drafting inconsistency (preferred): This option completes the activity status cascade and clearly links activity status to compliance with specified standards, without changing thresholds, matters for discretion, or policy intent.

4.3 Preferred Option

Option 1 (status quo) is not considered appropriate as it could create administrative burden, uncertainty and potential delays. Option 2 is the preferred option as it improves certainty, consistency and workability of the Hazardous Substances chapter. The amendment ensures HS-R5 functions as intended within the broader regulatory framework, while avoiding any expansion of regulatory scope or duplication with HSNO or HSWA controls.

4.4 Evaluation of Amended Provisions

The recommended amendments to HS-R5 corrects an internal drafting omission by clearly specifying the activity status pathway where standards are not met, particularly within sensitive zones.

Amendment: HS-R5 – Storage of fuel for retail sale within a service station		
Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
Environmental	No additional environmental costs introduced beyond those anticipated under the notified plan.	Improved environmental protection outcomes through clearer regulation Completing the activity status cascade ensures that fuel storage at service

		stations in sensitive zones is consistently subject to resource consent assessment where standards are not met. This supports better consideration of risks to soil, groundwater, surface water, and nearby sensitive environments.
Economic	No identified economic costs.	Potentially provides a small economic benefit by improving regulatory certainty and reducing the risk of delay, dispute, or reprocessing arising from unclear consent triggers.
Social	No identified social costs.	The amendment provides a social benefit by improving certainty and transparency for communities and plan users about when fuel storage activities will be assessed to manage potential risks to public health and safety.
Cultural	No identified cultural costs. as it does not enable new activities or increase the scale or intensity of effects.	No identified cultural benefits.
Economic growth provided or reduced	It is anticipated that the amendment does not reduce economic growth and may provide a minor positive effect by improving regulatory certainty for fuel service station operators, supporting continued investment and operation.	
Employment opportunities	The amendment is unlikely to materially affect employment opportunities, as it does not alter the scale, nature, or viability of fuel retail activities.	
Uncertain or insufficient info	There is no uncertain or insufficient information	
Risk of acting or not acting	If the drafting inconsistency in HS-R5 were not addressed, there would remain a risk of uncertainty and inconsistent application of the rule, particularly within sensitive zones. Acting to correct the omission avoids this risk and ensures the Hazardous Substances chapter operates as intended. There is no material risk associated with making the amendment given its technical and clarifying nature.	
Effectiveness		
This clarification improves plan usability and ensures consistent interpretation and implementation of the rule by applicants, submitters, and decision-makers.		
Efficiency		
The drafting correction to HS-R5 improves the efficiency of the Hazardous Substances chapter by reducing ambiguity and the risk of inconsistent decision-making. Clear articulation of activity status escalation reduces transaction costs for plan users and avoids unnecessary procedural disputes, while ensuring appropriate assessment of land-use effects where warranted.		
Summary		
For the reasons set out above, Option 2 is the most efficient and effective option for achieving the objective of the proposal. The amendment to HS-R5 is a minor, technical clarification that completes the rule framework and ensures internal consistency across the Hazardous Substances chapter. The amendment does not represent a substantive change to the notified plan and is proportionate		

to the scale and significance of the issue identified. Accordingly, the amendment satisfies the requirements of section 32AA of the Resource Management Act 1991.