BEFORE THE HEARING COMMISSIONERS
IN KAIPARA DISTRICT

IN THE MATTER	of the Resource Management Act 1991 ("**the Act**")
AND	
IN THE MATTER	of the Proposed Kaipara District Plan: Hearing 6- Hazardous Substances

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STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE FOR NEW ZEALAND AGRICULTURAL AVIATION ASSOCIATION 17 FEBRUARY 2026

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1. Summary

1.1 New Zealand Agricultural Aviation Association (NZAAA) has sought a range of changes to the Proposed Kaipara District Plan (PKDP) to better provide for use of hazardous substances.

1.2 I have assessed the submission, the s42A Report and associated legal opinion.

1.3 The matters raise two fundamental questions:

- What level of regulation is required to address any effects that are not adequately addressed by HSNO and HSWA?
- What is the best method to address these effects?

1.4 I have undertaken an analysis of other district plans post 2017 and determined that the approach taken in other plans is to rely on a definition for significant hazardous facilities as a trigger for assessment of effects that are not managed through HSNO or HSWA. No plans use a numerical quantity threshold as a trigger for consent.

1.5 The Waikato District Plan Hazardous substance provisions went through a very robust hearing process followed by further reviews and input from council and submitters.

1.6 The decisions removed the Activity Status Table which set out triggers for consent and replaced it with provisions for significant hazardous facilities.

1.7 I support the outcome achieved in the Waikato District Plan and seek a similar outcome in the Kaipara District.

1.8 The changes I seek are focused on ensuring that the intent of avoiding duplication with HSNO and HSWA is given effect through the provisions while providing a clear pathway for managing effects that are not managed through those regulations.

1.9 I also seek changes to the policy framework to ensure that it provides for both permitted activities and those that require resource consent.

1.10 In my opinion this framework will be more efficient and effective in managing hazardous substance use, storage or disposal in Kaipara District.

2. Qualifications and experience

My name is Lynette Pearl Wharfe. I am a planning consultant with The AgriBusiness Group. I have a BA in Social Sciences and post graduate papers in Environmental Studies, including Environmental Law, Resource Economics and Resource Management.

I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.

I have been a consultant with The AgriBusiness Group since 2002. The Agribusiness Group was established in 2001 to help build business capability in the primary sector.

I have spent over 20 years as a consultant, primarily to the agricultural industry and rural sector, specialising in resource management, environmental issues, and environmental education and facilitation, including 20 years of providing advice to Horticulture New Zealand ("**HortNZ**") and its precursor organisations, NZ Vegetable and Potato Growers Federation and the NZ Fruitgrowers Federation.

As part of providing advice to HortNZ for submissions and plans across the country, I have been involved in development of Regional Policy Statements, Regional Plans and District Plans, including omnibus plans such as the Auckland Unitary Plan and the Marlborough RM Plan and district plans in Dunedin, Christchurch City, Selwyn, Waikato, Whakatane, Opotiki and Hastings so am familiar with the range of matters to be addressed in the Proposed Kaipara District Plan.

Of particular relevance in respect of hazardous substances, I have been involved in a number of plans and plan changes regarding hazardous substances, including the Auckland Unitary Plan, the Hastings District Plan, the Christchurch Replacement District Plan, Waikato District Plan and Central Hawkes Bay District Plan.

I have been also been involved in a range of projects relating to hazardous substances, including writing a guidance note for NZAAA that includes the use of agrichemicals, fertilisers and baits.

I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out in Appendix 1. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3. Scope of evidence

3.1 This evidence provides a planning assessment of those provisions on which NZAAA submitted relating to Hazardous Substances.

3.2 In undertaking this assessment, I have considered:

- The Section 42A Hearings Report for Hazardous substances
- Legal opinion by Tompkins Wake 14 January 2026
- The s32 Reports for PKDP Hazardous Substances
- Other relevant district plans
- The Regional Policy Statement for Northland

4. New Zealand Agricultural Aviation Association submissions

4.1 NZAAA made a submission and further submissions seeking changes to a range of provisions to better provide for the use of hazardous substances.

4.2 NZAAA opposes the approach to managing hazardous substances in the Proposed Plan, that introduces a level of regulation which is unnecessary given existing regulations under HSNO and HSWA regulations. The 2017 RMA Amendment Act (RLAA) deleted specific requirements for the Council to include control of hazardous substances in the Plan.

4.3 NZAAA supports the use of codes of practice and standards as tools to ensure that hazardous substances are appropriately managed. One such standard is NZS8409:2021 Management of agrichemicals.

4.4 NZAAA made submissions and further submissions on the following provisions in the hazardous substances chapter and related definitions:

- HS chapter Overview
- HS-O1 Risks associated with hazardous substances
- HS-P1 Hazardous facilities
- HS-P2 Assessment of risk
- HS-P3 Reverse sensitivity effects
- HS-R1 The use, storage or disposal of any hazardous substances
- HS-R3 Fertiliser storage

- FS-R4 Use storage and disposal of hazardous substance subclasses 1.4, 1.5, 1.6, 6.1D, 6.1E, 9.1D and 9.2D
- HS-S1 Hazardous substances permitted activity thresholds
- Definition hazardous facility
- Definition Significant hazardous facility
- Definition residual risk

4.5 The s42A Report recommends that most these submission points be rejected. The reasons will be discussed in a later section of this evidence.

4.6 The NZAAA submissions are based on the following understanding of the approach in the PKDP:

- The proposed provisions in the hazardous substance chapter are focused in hazardous facilities as opposed to hazardous substances per se.
- The proposed provisions are centred around HS-S1 Hazardous substances permitted activity thresholds which are set as a proxy for risk levels and so are a screening tool to trigger land use assessment.
- If the thresholds in HS-S1 are exceeded then resource consent for the activity is required, regardless of compliance with HSNO and HSWA.

4.7 The NZAAA consider that the key questions to be addressed in the plan are:

- What level of regulation is required to address any effects that are not adequately addressed by HSNO and HSWA?
- What is the best method to address these effects?

5. Background to hazardous substances in plans

5.1 When passed in 1991 the RMA included provisions for managing hazardous substances. My involvement in plan processes has shown that many councils struggle with addressing hazardous substances in plans. While the HSNO Act was passed in 1996 the HSNO regulations did not fully come into effect until 2006, so there was a vacuum prior to the regulations being in force. Meanwhile councils were developing district plans under the RMA with little guidance from HSNO.

5.2 Many councils used the Hazardous Facilities Screening Procedure (HFSP) in first generation plans in the 1990's as it was the main tool available and supported by MfE at the time. Later AST was introduced as an attempt to reduce the complexity of HFSP. But when developing second generation plans the existence of the HSNO Regulations and changes to the RMA assisted in informing the process, with a number of councils then seeking an approach that did not rely on either AST or HFSP.

5.3 Changes to the RMA (RLAA 2017) removed the explicit function for councils to manage the storage, use, disposal, or transportation of any hazardous substances. However there remains the ability for council to include specific controls if deemed necessary to address specific resource management issues in a district, justified through the s32 process.

6. Management of hazardous substances

6.1 There are a range of legislative requirements that determine how hazardous substances are managed. These include:

- Hazardous Substances and New Organisms Act 1996 and associated regulations (HSNO)
- Health and Safety at Work Act 2015 and associated hazardous substances regulations (HSWA)
- Resource Management Act 1991 (RMA)

The three pieces of legislation interface with similar purposes which can lead to duplication in responsibility and lack of clarity of the role of the respective Acts.

6.2 Hazardous Substances and New Organisms Act 1996 (HSNO)

The Hazardous Substances and New Organisms Act seeks to manage hazardous substances through assessing and classifying hazardous substances and placing controls according to the degree of hazard to ensure that the purpose of the Act is met:

The purpose of this Act is to protect the environment, and the health and safety of people and communities, by preventing or manging the adverse effects of hazardous substances and new organisms.

The controls that may be applied are wide ranging and include disposal, documentation, emergency management, emergency response plans, location test certificates, certified handlers and competency, packaging, labelling, secondary containment, tracking and signage.

Tolerable Exposure Limits (TEL) and Environmental Exposure Limits (EEL) are set to protect human health and the environment.

In addition, there is a requirement that hazardous substances must be used in such a way as to minimise environmental effects.

Some of the controls relate to site and locational requirements such as signage and separation distances; others relate to buildings such as design and construction of buildings and location test certificates. Emergency management controls are also imposed, such as secondary containment and emergency response plans.

Through these controls the HSNO regime seeks to protect people, property and the environment irrespective of the location.

6.3 Hazardous Substances (Hazardous Property Controls) Notices 2017

The EPA promulgated the Hazardous Substances (Hazardous Property Controls) Notice in 2017 to address matters that were not included in the Health and Safety at Work (Hazardous Substances) Regulations 2017.

The objective of the notice is to:

Ensure that hazardous substances are stored and used in a manner that protects the environment, and people in places other than workplaces to which the Health and Safety at Work Act 2015 applies.

The controls include a suite of requirements to achieve the objective.

In respect of Class 9 substances, there are site and storage controls, use controls and qualification requirements to ensure competency in the use of substances.

Some provisions from the HSWA regulations are applied to places that are not a workplace including quantities that require management, separation distances, signage, incompatible substances and materials.

Many of these matters are land use controls.

I note that that Environment Court decision in Taranaki Energy Watch v South Taranaki District Council determined that the Worksafe legislation and regulations do not control decisions made on the use of land near a workplace. However the Environment Court does not appear to have undertaken any assessment of the Hazardous Substances (Hazardous Property Controls) Notice 2017 in respect to areas outside a workplace.

In my opinion the controls in the notices which are applied outside of the workplace will assist in addressing the risk to people and the

environment so the reliance on HSWA needs to be assessed in combination with the hazardous property control notices.

6.4 Health and Safety at Work Act 2015

Management of hazardous substances in the workplace was moved from HSNO to HSWA as a result of the Royal Commission into Pike River, which sought stronger alignment of workplace health and safety.

The purpose of the HSWA is to 'provide for a balanced framework to secure the health and safety of workers and workplaces' through a range of mechanisms.

HSNO controls for Classes 1-8 were transferred to the new HSWA regulations, along with additional controls.

However, HSNO still retains functions for hazardous substances outside the workplace and for Class 9 Ecotoxic substances.

The HSWA regulations also includes controls over major hazardous facilities which hold large quantities of more highly hazardous substances and requires consideration of such matters as sensitive land uses and local communities.

6.5 Resource Management Act 1991

The RMA (s30 and 31) required that Councils control the use of land for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances.

The explicit requirement was repealed in the Resource Legislation Amendment Act 2017(RLAA) to ensure that councils only place additional controls on hazardous substances if they are necessary to control effects under the RMA that are not covered by HSNO or HSWA.

The RLAA supports the position of HSNO as the primary piece of legislation for managing hazardous substances.

7. Relationship between HSNO and the RMA

Key to determining to what extent Council needs to control hazardous substances is the relationship between the RMA and HSNO.

In considering the relationship of the RMA to the HSNO Act it is relevant to reflect on the purpose of the HSNO Act:

The purpose of this act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms.

The purpose of the Act is similar to the RMA in that it seeks to protect environment, health and safety of people and communities. Therefore regulations which achieve this outcome under HSNO are also relevant under the RMA.

The decision in the Christchurch Replacement Plan[1] considered the relationship between the RMA and HSNO and considered that additional provisions should only be adopted where necessary:

For the purposes of the RMA, more stringent requirements can only be imposed where the empowered person under the RMA considers it necessary in terms of the definition above at 23 (for necessary being 'indispensable, requisite'). [2]

The decision then refers to Quality Planning guidance[3] (Para 28) which states:

Inclusion of hazardous substance controls in plans should be the exception rather than the rule, and included only when a rigorous section 32 analysis show that these controls are justified.

I concur with the Panels' determination and identification of the importance of a robust s32 to determine if additional controls are 'necessary'.

There is no discussion in the s32 Report for the PKDP as to what issues are deemed 'necessary' to require additional provisions over and above HSNO or why HSNO requirements are duplicated in the Plan.

The Christchurch Hearing Panel also accepted the evidence of Dr Peter Dawson, Senior Scientist, EPA which demonstrated that the matters of concern to Council are adequately addressed through HSNO and there is no need for additional controls in the District Plan to achieve the outcomes sought.

These findings led it to a position that the AST provisions in the Proposed Christchurch District Plan were inappropriate, complex,

[1] https://www.proposeddistrictplan1.ccc.govt.nz/assets/Documents/proposed-Christchurch-Replacement-District-Plan/Decision-18-Hazardous-Substances-and-Contaminated-Land-and-relevant-definitions-Stages-1-and-2-Copy.pdf

[2] This assessment was based on s142 of HSNO which was repealed by s123 of the RLAA 2017.

[3] Quality Planning Guidance 'Managing Hazardous Substances

lacked clarity and duplicated HSNO and HSWA with additional consenting requirements.

HSNO Section 142 sets out the relationship to other Acts. Clause (6) requires:

Any controls prescribed under any other Act for any hazardous substance shall not contravene the provisions of the EPA notices issued under sections 75 and 76 unless-

a) There is a provision in that other Act that expressly provides that controls made under that other Act for specified purposes may contravene the provisions of EPA notices issued under this Act; and

b) The control are made for the purposes provided for in that Act.

8. Other district plans

8.1 The legal opinion of Tompkins Wake January 2026 for the PKDP included an attachment summary of twelve district plans notified post 2017. All of the plans included hazardous substance provisions but sought to not duplicate HSNO or HSWA.

8.2 Attached to this evidence (Appendix 2) is an analysis of the plans identified by Tompkins Wake, plus some additional district plans that were not included in their analysis.

8.3 The analysis shows that all the district plans base the hazardous substance rules around a definition of specified activities such as significant hazardous facilities, or use the definition of major hazard facility in the HSWA.

8.4 None of the plans use a threshold table, as in the proposed Kaipara District Plan, as a trigger for resource consent.

8.5 The proposed Kaipara District Plan is therefore an outlier in the context of how other districts are managing residual effects of hazardous substance use and storage.

8.6 Of particular interest is the Partly Operative Waikato District Plan.

8.7 When the plan was proposed on 18 July 2018 the plan included objectives and policies and rules for hazardous substances based on Appendix 5 Activity Status Tables which set out the permitted activity maximum quantity thresholds for identified hazardous substances in the various zones.

8.8 The proposed plan was based on a report and recommendations from Mr Norbert Schaffoener.

8.9 Prior to the hearings in January 2020 Tompkins Wake provided a legal opinion to support the approach in the Plan.

8.10 I presented evidence at the hearing for Horticulture New Zealand and was involved in post-hearing discussions.

8.11 As a result of the hearing of evidence and questions raised about the approach to the provisions the Hearing Panel undertook a review process with input from the council and submitters.

8.12 After consideration of the information gained through the review process, the decision of the Hearing Panel substantially changed the approach and largely followed the approach of the Hasting District Plan, focused on major hazard facilities which are defined as particular activities. The Activity Status Tables were deleted.

8.13 The panel considered that:
The revised provisions effectively manage hazardous substances in a clear and concise manner without unduly constraining normal activities such as farming.[4]

8.14 The decision then states (4.18):
We are satisfied that the revised provisions avoid duplication of other hazardous substances legislation and regulation, and appropriately manages the effects of the use, storage or disposal of hazardous substances, where those effects are not appropriately controlled by existing legislation and regulations.

8.15 In my opinion, the precedent set by the Hearing Panel in the Waikato District Plan is one that the panel in the Proposed Kaipara District Plan process should give due consideration as the circumstances are very similar.

[4] https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/decisions/proposed-waikato-district-plan - hazardous substances 4.13
https://eplan.waikatodistrict.govt.nz/?docId=6ZwZBGxKwk8%3d

9. S42A Report response to NZAAA submissions

9.1 Definition hazardous facility

NZAAA (146.6) seeks that the deletion of the definition for hazardous facility as the term is confusing as it includes both activities and premises, including vehicles.

Hazardous facility is not a term that is used in either HSNO or HSWA.

The s42A Report considers that the term is useful as an 'umbrella term' that captures all sites where hazardous substances are used stored or disposed of.

In my opinion, the focus should be on 'hazardous substances' not a 'hazardous facility' as it is the effects of the hazardous substances that are being sought to be managed. Other changes sought by NZAAA seek to ensure that the focus is on hazardous substances, not a hazardous facility.

The definition includes: 'storage includes vehicles for their transport located at a facility for more than short periods of time.' This means that fertiliser on a truck is classed as a hazardous facility. It is not clear what a 'short period of time' would be.

Deleting 'hazardous facility' would remove any potential confusion with the defined term 'significant hazardous facility'.

Given the potential confusion and lack of clarity I consider that reliance on the use of hazardous substances is preferred to hazardous facility.

9.2 Definition Significant hazardous facility

NZAAA (FS83.21) made further submissions supporting a submission of the Fuel Companies on the definition of significant hazardous facility, based on the duplication with HSNO and HSWA and that the definition is triggered by quantities not risk.

The s42A Report considers that the definition of significant hazardous facility remains necessary and appropriate and is an integral term in the link to the consenting pathway.
The report is recommending that the definition be retained with slight modification linking it to HS-S1.

The definition is a fundamental component of the approach to managing hazardous substances in the Plan. The analysis of other

district plans has a range of definitions but none of which are based on a quantity trigger. For instance, Waikato District Plan has a definition of significant hazard facility which lists a range of specific activities that can occur within facilities.

Therefore, the definition of significant hazardous facility is contingent to the approach that the Hearing Panel adopts for the rule structure in the Plan and whether the quantity threshold approach is retained.

I support a similar approach to Waikato which is clear and certain as to whether an activity will need to be assessed as a significant hazardous facility and seek that the definition and framework in the Plan be amended accordingly.

9.3 Definition residual risk

NZAAA (146.12) seeks that a definition be included in the Plan for residual risk.

A definition of residual risk is included in the Whangarei District Plan and provides clarity that provisions only apply after compliance with HSNO and HSWA.

The s42A Report recommends that the submission be rejected and rely on the ordinary meaning of the word.

NZAAA also sought changes to the Overview, HS-O1, and HS-P1 to include reference to residual risk to provide greater clarity in the policy framework.

If the changes to these provisions are accepted then a definition for residual risk would provide clarity and certainty to the plan and ensure that the focus is on risks that are not managed by HSNO and HSWA.

Such an approach would also provide consistency with Whangarei District which has defined residual risk as:

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 Transport Act 1998, the Health and Safety at Work Act (2015) and regional planning instruments, have been complied with.

This definition only applies to the Hazardous Substances Chapter of the District Plan

It would also be clear that the risks to be managed are limited to where other regulation does not address a risk.

I support clarity and certainty in plans so support provisions that achieve that outcome, such as inclusion of definitions such as residual risk for managing hazardous substances.

9.4 HS Chapter Overview

NZAAA (146.15) seeks changes to the Overview section of the Hazardous substances chapter by deleting the section regarding quantity controls and replacing with a section that outlines the approach to avoiding duplication with other legislation and regulation, and the inclusion of residual risk.

The S42A Report agrees that there is potential to refine the wording but not as sought by NZAAA.

Rather the report is recommending that a section on significant hazardous facilities be added and the residual effects that the Plan may address. There is also an acknowledgement that the provisions are not intended to duplicate HSNO or HSWA.

While the additions provide some clarity the fundamental question is whether the quantity threshold approach is retained in the Plan, and hence in the overview.

As stated elsewhere, I do not support the approach of quantity thresholds so do not support the retention of text that outlines that approach.

9.5 HS-O1 Risks associated with hazardous substances

NZAAA (146.16) seeks an amendment to HS-O1 to incorporate residual risk and delete reference to transport of hazardous substances.

The s42A Report does not recommend any changes to the HS-O1 Objective. The report considers that the focus is more appropriately addressed through policy direction and rule thresholds rather than by narrowing the objective wording.

I disagree with that position. The purpose of an objective is to provide direction of the outcome sought which is implemented through policies and methods.

If the objective states that 'residual risk to people property and the environment is acceptable' then the outcome sought is clear – it is the residual risk that is to be managed through the policies and methods. It is not narrowing the objective – it is making clear that the intent of the Plan is the focus on residual risk.

Transport of hazardous substances is managed through dangerous goods regulations and should not be included in the provisions in the Plan.

9.6 HS-P1 Hazardous facilities

NZAAA (146.17) made a submission seeking that HS-P1 be amended to provide for storage of hazardous substances, rather than hazardous facilities.

The s42A Report is recommending that the policy be substantially reworded to be for significant hazardous facilities.

While a policy for significant hazardous facilities may be appropriate the change means that there is no policy framework to provide for the storage of hazardous substances other than in significant hazardous facilities.

I consider that there needs to be a policy framework for other hazardous substances to support the rule framework where not all hazardous substances require resource consent. Even if an activity is permitted it should be provided for in the policy framework.

For instance, Waikato District Plan and Hasting District Plan have a policy:
To ensure activities are able to utilise hazardous substances in compliance with relevant regulation as necessary to their operation without being compromised by' reverse sensitivity'.

Then they have a policy specific for significant hazardous facilities.

In my opinion, this provides a more robust framework which ensures that the plan provides clear policy direction and support such an approach in the Proposed Kaipara District Plan.

9.7 HS-P2 Assessment of risk

NZAAA (146.18) sought that HS-P2 be amended to be a specific policy for significant hazardous facilities.

The s42A Report is recommending that HS-P2 be reframed to focus on significant hazardous facilities and assessment of risk.

Given the reframing of HS-P1 on significant hazardous facilities it would be better that the two policies be combined into a single policy for significant hazardous facilities so there is clear policy direction for significant hazardous facilities.

Then a second policy could be included for use of hazardous substances which are not in a significant hazardous facility.

9.8 HS-P3 Reverse sensitivity effects

NZAAA (146.19) supported HS-P3 Reverse sensitivity effects. Other submitters sought that it apply to all hazardous facilities, not just significant hazardous facilities.

The s42A Report is not recommending any changes to HS-P3.

I support that recommendation.

9.9 HS-R1 The use, storage or disposal of any hazardous substances

NZAAA (146.20) seeks that rule HS-R1 be deleted and replaced with a rule providing for the storage, use and disposal of hazardous substances not otherwise specified within the Hazardous substances chapter rules.

The intent of the change is to remove the aggregate quantity thresholds in HS-S1 and provide a permitted activity rule for hazardous substance use where it is not managed through a specific rule.

The s42A Report rejects the submission and retains the use of the quantity thresholds in HS-S1.

As stated elsewhere in this evidence, I do not support a quantity threshold approach and support a specific definition for significant hazardous substances with a related rule and a permitted activity rule for other use, storage and disposal of hazardous substances.

I do not consider that HS-R1 is focused on land-use effects. It is a trigger for consent regardless of whether there are land use effects or not.

Quantity thresholds in HS-S1 are complicated and complex to ascertain whether they are exceeded or not. Assembling a list of substances and quantities to determine if HS-S1 is met is challenging, especially when the substances and quantities change over time, sometimes regularly.

The s42A Report (164) considers that the HS-S1 threshold is 'practical trigger'. However, my experience and understanding of the thresholds is that they are not 'practical', but rather complex and complicated.

It is considered that a clear definition of significant hazardous facilities reduces the complexity and provides for assessment of activities that provide greater risk.

Therefore, I support the change to HS-R1 as sought by NZAAA.

9.10 HS-R3 Fertiliser storage

NZAAA (146.21) seeks the deletion of HS-R3 Fertiliser storage as on-farm storage of fertiliser is regulated under HSNO and HSWA and associated regulations.

The s42A Report recommends that the submission is rejected and the rule retained on the basis that the activity is permitted subject to standards in the rule.

In my opinion the only fertiliser that is permitted is where it is class 6.3, 6.4 or 6.5. Any other classes would require resource consent.

Fertiliser is regulated under HSNO in the Fertiliser (Subsidiary Hazard) Group Standards 2020 and requires compliance with EPA Notices, including the Hazardous Substances (Hazard Property Controls) Notice 2017.

This Controls Notice specifically considers matters beyond the workplace and sets standards for the use of substances in those environments.

In my opinion, the management of fertiliser storage is adequately managed through the EPA notices and regulations and therefore an additional rule as proposed in the PKDP is not required.

To determine whether the fertiliser would meet a quantity threshold in HS-S1 is not relevant as classes 6.3, 6.4 or 6.5 are not listed in HS-S1, so such storage could not meet the definition of significant hazardous facility. (Refer s42A Report 179)

The s42A Report states that concerns were raised about the use and storage of fertilisers and agrichemicals during consultation on the Plan. No details are provided about such comments, or whether an assessment has been undertaken to confirm or justify the need for a rule such as HS-R3. In the absence of such a s32 analysis there is no justification for the rule.

Discharges to water are managed through regional council rules, not the district plan.

In addition, I note that I have not come across such a rule in a district plan in my many years of providing evidence on hazardous substance provisions in district plans.

I support the submission of NZAAA that seeks the deletion of HS-R3.

9.11 HS-R4 Use storage and disposal of hazardous substance subclasses 1.4, 1.5, 1.6, 6.1D, 6.1E, 9.1D and 9.2D

NZAAA (146.22) seeks the deletion of HS-R4 as it is not necessary as the substances are already regulated under HSNO and HSWA so there is duplication.

The s42A Report recommends that the submission is rejected as the provision would permit these low-risk activities and not impose additional controls.

In my opinion, the provision for low-risk activities would be provided for in the changes NZAAA seeks to HS-R1 to provide a permitted activity for hazardous substance storage use and disposal not specified in other rules in the chapter. This approach does not require specification of classes of substances but rather differentiates between significant hazardous facilities and other uses of hazardous substances.

Therefore, I do not support retention of HS-R4 but support restructuring of the rule framework to provide:

- A permitted activity rule for hazardous substance use, storage and disposal
- A rule for significant hazardous facilities based on a definition of activities that are classed as significant hazardous facilities

9.12 HS-S1 Hazardous substances permitted activity thresholds

NZAAA (146.23) seeks that deletion of HS-S1 in its entirety.

The s42A Report recommends that the submission be rejected and HS-S1 retained.

As set out elsewhere in this evidence the approach in HS-S1 is not supported because it:

- Is complex and complicated to implement
- Creates uncertainty as it requires constant reassessment as substances and quantities change – quantities on-farm are not static and vary according to season, crop type or status of crop
- Does not necessarily equate to greater residual risk
- Is inconsistent with other district plans, including Whangarei the adjacent district council
- Is not necessary to manage the effects of the use of hazardous substances.

Therefore, I support the submission of NZAAA and seek the deletion of HS-S1.

10. Section 32AA

The amendments I discuss will give effect to the intent that the plan provisions avoid duplication with HSNO and HSWA and regulations for hazardous substances and provide clarity and certainty for plan users.

The provisions will appropriately manage the effects of the use, storage or disposal of hazardous substances where those effects are not controlled by existing legislation and regulation.

The provisions are consistent with other district plans which have been through a full plan review process including decisions and appeals.

I consider that the changes are the most efficient and effective way to achieve the objectives and the purpose of the Act.

11. Conclusion

11.1 This evidence addresses submission and further submission points of NZAAA addressed re hazardous substances

11.2 I consider that it is appropriate to include:

- An amendment to HS-Overview to describe hazardous substance use without using quantity thresholds
- A definition for residual risk

- An amendment to HS-O1 to focus on residual risk
- An amendment to the policies to provide specific policies for significant hazardous facilities and other uses of hazardous substances.
- A permitted activity rule for hazardous substance use storage or disposal
- A rule for significant hazardous facilities.
- Deletion of HS-R3 Fertiliser storage
- Deletion of HS-R4
- Deletion of HS-S1 Hazardous substance permitted activity standards.
- Definition for residual risk
- Deletion of definition for hazardous facility
- Amendment to definition of significant hazardous facility.

These amendments are set out in Appendix 3 Strikethrough to this evidence.

I have included provision for fuel storage as in the Waikato District Plan in the definition of significant hazardous facility but defer to the Fuel Companies as to what may be the most appropriate provision to include.

11.3 Such an approach will:

- provide for the social and economic wellbeing of the Kaipara community
- enable sustainable management of natural and physical resources.

Lynette Wharfe
17 February 2026

Appendix 1: Experience of Lynette Wharfe

Some of the projects I have been involved in that I consider are particularly relevant in this context are:

a) Project Manager and facilitator for a Sustainable Management Fund ("**SMF**") Project 'Reducing nitrate leaching to groundwater from winter vegetable crops', to develop management tools for vegetable growers to implement best practice for fertiliser applications, to assist in changing fertiliser usage.

(b) Managed an SMF project for NZ Agrichemical Education Trust communicating the revised NZS 8409:2004 Management of Agrichemicals to local authorities throughout NZ, including development and leading workshops with councils.

(c) Revised the Manual for the Introductory GROWSAFE® Course for the NZ Agrichemical Education Trust, to make the Manual more user friendly and accessible and to align it with the Hazardous Substances and New Organisms legislation. (

(d) Managing the research component for SFF project – SAMSN – developing a framework for the development of Sustainable Management Systems for agriculture and horticulture.

(e) Project Manager MAF Operational Research Project Effectiveness of Codes of Practice investigating the use of codes of practice in the agriculture and horticulture sectors.

(f) Undertook a review of Current Industry and Regional Programmes aimed at reducing pesticide risk, including assessing a number of Codes of Practice.

g) Contributed as a project team member for a Sustainable Farming Fund project 'Environmental best practice in agricultural and rural aviation' that included developing a Guidance Note on agricultural aviation, which is now on the Quality Planning website.

h) Undertook a review of agrichemical provisions in the Auckland Regional Air Land and Water Plan and developed a risk-based response for inclusion in the Proposed Auckland Unitary Plan.

i) Member of the Rural Advisory Group for the development of the National Planning Standards.

Appendix 2: Analysis of DP rules post 2017

District plan	Date	Approach
New Plymouth	Part operative 29 August 2025	Based on definition of significant hazardous facilities of specified list of activities
Waitomo	Appeals version 1 October 2025	Based on definition of significant hazardous facilities of specified list of activities
Selwyn	Partially operative 27 Nov 2023	Based on Major hazard facility as in HSWA Permitted activity rule for use and or storage of hazardous substances other than major hazard facility
Porirua	Operative 1 Nov 2025	No specific rules for either hazardous substances or hazardous facilities
Wellington	Decisions 12 June 2025	Based on Major hazard facility as in HSWA Permitted activity rule for use and or storage of hazardous substances other than major hazard facility
Napier	Proposed 2025 Decisions 3 Nov 2025	Based on definition of significant hazardous facilities of specified list of activities
Hastings	Operative 27 June 2024	Based on Major Hazardous facility and definition of a specified list of activities
Timaru	Proposed Draft decisions 3 February 2026	Based on Major hazard facility as in HSWA Permitted activity rule for use and or storage of hazardous substances in a hazardous facility other than major hazard facility. Specific rule for in a flood assessment Areas Overlay
Waitaki	Proposed Notified 1 March 2025	Based on Major hazard facility as in HSWA And hazard facility with exclusions Permitted activity rule for use and or storage of hazardous substances other than major hazard facility
Lower Hutt	Proposed Notified 6 February 2025	Rules for Significant Hazardous facility with list of specific activities
Far North	Proposed 27 July 2022	Rules for Significant Hazardous facility with list of specific activities, including major hazard facility under HSWA
Whangarei	Plan Change 91 Operative 4 October 2023	Objectives and policies for hazardous substances but no rules relying on spatial zoning and underlying zone rules
Waikato	Operative in part 8 October 2025	Rules for Significant Hazardous facility with list of specific activities. Permitted activity for storage, handling or use of hazardous substances where specific rules do not apply.
Central Hawkes Bay	Operative in part 14 November 2024	Rules for Major Hazardous facility with list of specific activities. Permitted activity for storage, handling or use of hazardous substances (except major hazardous facility)

Appendix 3 – Strikethrough of provisions sought in this evidence

HS — Hazardous Substances

Overview

Hazardous substances include explosives, pesticides, industrial chemicals, paints, fertilisers and petrol, household cleaners, cosmetics and many other substances. Hazardous Substances are regulated under the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015. The district plan has the supporting role of controlling the land use activities including man-made hazards of a chemical nature.

Land use activities 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.

Risks are influenced by the nature of the hazardous substances, the quantity of the substances, the effects the substance may have, the likelihood of an event occurring and which parts of the environment may be affected. An event may be an accidental release, spill, unintended chemical reaction, fire or explosion.

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.

The provisions of this chapter acknowledge the benefits of hazardous substances, while aiming to minimise the adverse effects of hazardous substances in relation to sensitive activities (i.e. residential activities, schools, places of assembly) and sensitive environments (i.e. wetlands, waterways), areas of identified natural hazards and cumulative effects where multiple hazardous facilities are located within proximity to each other. Hazardous substances stored or used in identified natural hazards areas are separately addressed in the Natural Hazards chapter.

~~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 facilities. These provisions assist other legislation in the management of hazardous substances in significant quantities, taking location into account.~~

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 regulation, such as residual risk and reverse sensitivity.

Objectives

HS-O1	**Risks associated with hazardous substances**
Hazardous substance use, storage, ~~transport~~ and disposal activities are ~~located, designed and~~ managed, so that the **residual** risk to people, property and the environment is acceptable, while recognising the benefits of those activities.	
HS-O2	**New sensitive activities**

Established activities using, storing or disposing of hazardous substances are not compromised by new sensitive activities.

Policies

HS-P1	**Significant Hazardous facilities**
Significant 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; 2. Designing, constructing and operating **significant** hazardous facilities in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site; and 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. **4. Ensure that significant hazardous facilities 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[5]**	
HS-P2	**Hazardous substances other than in significant hazardous facilities**
Ensure that activities are able to utilise hazardous substances in compliance with relevant regulations as necessary to their operation, without being compromised by reverse sensitivity.	
HS-P3	**Reverse sensitivity effects**
Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully-established significant hazardous facilities.	

Rules

HS-R1	**The use, storage or disposal of hazardous substances**	
All zones	1. **Activity status:** Permitted **Where:** ~~a. The aggregate quantity of any hazardous substance of any hazard classification on a site does not exceed the quantity specified for the applicable zone in HS-S1.~~ **The storage, use and disposal of hazardous substances not otherwise specified within these rules**	**2.Activity status when compliance not achieved:** Not Applicable

[5] Moved from HS-P2 to HS-P1 (4)

HS-R2	**Significant hazardous facilities**	
All zones	**1. Activity status:**	**2. Activity status: Restricted Discretionary** **3. Matters over which discretion is restricted:** **a. HS-MAT1; and** **b. HS-MAT2**
HS-R2 3	**Radioactive material**	
All zones	**1. Activity status:** Permitted **Where:** a. The storage or use of radioactive material is: i. An approved equipment for medical and diagnostic purposes; or ii. Specified as an exempt activity or article in the Radiation Safety Act and Regulations 2016.	**2. Activity status when compliance not achieved:** Restricted Discretionary **3. Matters over which discretion is restricted:** a. HS-MAT1; and b. HS-MAT2
HS-R3	**Fertiliser storage**	
General rural zone	**1. Activity status:** Permitted **Where:** a. Fertiliser is temporarily stored for rural production activities and is classed as sub-class 6.3, 6.4 and 6.5; and b. The storage location is more than 30m from a watercourse; and c. the duration of the storage does not exceed 28 days within any 12-month period; and d. The substance stored is intended for rural production use and not for retail sale.	**2. Activity status when compliance not achieved:** Restricted Discretionary **3. Matters over which discretion is restricted:** a. HS-MAT1; and b. HS-MAT2
HS-R4	**Use, storage and disposal of hazardous substance subclasses 1.4, 1.5, 1.6, 6.1D, 6.1E, 9.1D and 9.2D**	
All zones	**1. Activity status:** Permitted **Where:**	**2. Activity status when compliance not achieved:** Not Applicable

	~~a. The hazardous substance is in subclasses 1.4, 1.5, 1.6, 6.1D, 6.1E, 9.1D and 9.2D.~~	
HS-R5	**The storage of fuel for retail sale within a service station**	
General rural zone, Commercial zone, Light and Heavy industrial zones	**1. Activity status:** Controlled **Where:** a. The storage of the following maximum volumes for fuel for retail sale within a service station: i. 100,000 litres of petrol in underground storage tanks; ii. 50,000 litres of diesel in underground storage tanks; and iii. 6 tonnes of LPG (single vessel storage). **2. Matters over which control is reserved over:** a. The proposed site design and layout in relation to: i. The sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed hazardous facility, including cumulative risks with other facilities; ii. Interaction with natural hazards (flooding, instability), as applicable and	**2. Activity status when compliance not achieved:** Restricted Discretionary **3. Matters over which discretion is restricted:** a. HS-MAT1; and b. HS-MAT2

	proposed emergency management planning (spills, fire and other relevant hazards); b. Procedures for monitoring and reporting of incidents.	
General residential zone, Rural lifestyle zone, Open space zone, Natural open space zone, Sport and active recreation zone, Māori purpose zone, and Hospital zone	1. **Activity status:** Restricted Discretionary	2. **Activity status when compliance not achieved:** Discretionary 3. **Matters over which discretion is restricted:** a. HS-MAT1; and b. HS-MAT2

Matters for Discretion

HS-MAT1	**Location and design of hazardous facility**
All zones	a. How the hazardous facility is located on the site, taking into account separation from site boundaries, zone boundaries and other more sensitive land uses; b. How the design and proposed management contributes to the minimisation of adverse effects on the environment, including effects on natural ecosystems and the life supporting capacity of land and water, waterbodies and sources of potable water; and c. The operational or functional need for the hazardous facility to be in that location.
HS-MAT2	**Risk associated with the hazardous facility and transportation**
All zones	a. The individual risks of the hazardous facility and cumulative risks with other hazardous facilities in the vicinity, as relevant; b. The actual and potential adverse effects associated with the transport of a hazardous substance on road infrastructure or on sensitive land uses along transport routes, if this is a significant aspect of the facility; c. Consideration of the risks posed by the occurrence of identified natural hazard events in the vicinity of the hazardous facility; d. The degree of social, cultural or economic benefits the facility and its associated storage, use or disposal of hazardous substances will have locally; e. Methods to prevent the entry or discharge of hazardous substances into groundwater, or potable water supplies, or stormwater or sewerage

	systems (unless authorised by the relevant network utility operator, resource consent or another rule in the Plan); and f. Whether an assessment of the risks has been provided which contains a level of detail corresponding to the scale and nature of the facility proposed and the hazardous substances involved. g. An assessment may need to include the following considerations: i. The sensitivity of the receiving environment to any risks; ii. Risk identification (inherent risk) and risk management response (residual risk); iii. Practicable alternative method of management that would present less risk; iv. How the proposal minimises or mitigates cumulative adverse effects with respect to other hazardous facilities in the area; v. Probability and potential consequences of an accident leading to the release or loss of control of hazardous substances; vi. Proposed emergency management equipment and plans and the adequacy of overall emergency response capability; and vii. Compliance with relevant codes of practice and standards for specific substances. **Note:** *A risk assessment should correspond to the scale and significance of the activity and its risks. A quantitative risk assessment may be required for major hazardous facilities where the risk contributors may be significant or complex. A risk assessment should be undertaken by a suitably qualified and experienced professional.*

Standards

~~HS-S1~~	~~Hazardous substances permitted activity thresholds~~		
~~GHS 7 category and sub-category (previous HSNO classification)~~	~~Zone~~ ~~Commercial Light Industrial Heavy Industrial SPZ - Hospital~~	~~Zone~~ ~~General Rural SPZ - Māori Purpose~~	~~Zone~~ ~~General Residential Rural Lifestyle Natural Open Space Open Space Sport and Active Recreation SPZ - Estuary Estates SPZ - Mangawhai Hills SPZ - Trifecta Development Area~~
~~Explosive Class 1 Maximum Quantity (measured in tonnes, unless stated)~~			
~~Unstable explosive Class 1.1 (Sub-class 1.1)~~	~~0.05~~	~~0.02~~	~~0~~
~~Unstable explosive Class 1.2 (Sub-class 1.2)~~	~~0.5~~	~~0.2~~	~~0~~
~~Unstable explosive Class 1.3 (Sub-class 1.3)~~	~~1.5~~	~~0.5~~	~~0~~
~~Unstable explosive Classes 1.2 and 1.3 (1.2 and 1.3) when~~	~~0.05~~	~~0.02~~	~~0~~

stored with unstable explosive Class 1.1 (1.1)			
Flammable Gas/Aerosol Class 2 Maximum Quantity (measured in tonnes, unless stated)			
Flammable gas Categories 1A, 1B and 2 and Aerosols Categories 1,2 and 3 (Sub-class 2.1, all)	1 (2,000m^2)	0.5 (1,000m^3)	0.2 (40m^3)
Flammable gas Categories 1A, 1B and 2 and Aerosols Categories 1,2 and 3 (2.1) within 50m of a sensitive zone	0.2 (400m^3)	0.1 (200m^3)	n/a
LPG	3	1.5	0.1
LPG within 50m of a more sensitive zone	1	0.5	n/a
Non-Hazardous Gases Maximum Quantity (measured in tonnes, unless stated)			
All non-hazardous gases, compressed or liquefied	5 (10,000m^3)	2 (4,000m^3)	0.1 (200m^3)
Flammable Liquids Class 3 Maximum Quantity (measured in tonnes, unless stated)			
Flammable liquids Categories 1 and 2 (Sub-class 3.1A and 3.1B)	6	2	0.1
Flammable liquids Categories 1 and 2 (3.1A and 3.1B) within 50m of a more sensitive zone	2	0.6	n/a
Flammable liquids Category 3 (3.1C)	20	6	0.3
Flammable liquids Category 4 (3.1D)	60	20	1
Desensitised explosive (liquid) Categories 1, 2 and 3 (Sub-class 3.2, all)	3	1	0.05
Flammable Solids Class 4 Maximum Quantity (measured in tonnes, unless stated)			
Flammable solids Categories 1 and 2; self-reactive substances and mixtures Types A, B, C, D, E, F and G; desensitised explosive (solid) Categories 1, 2 and 3 (Sub-class 4.1, all)	3	1	0.05
Pyrophoric liquids and solids Category 1; self-heating substances and mixtures Category 1 and 2 (Sub-class 4.2, all)	1	0.4	0.02
Substances and mixtures which, in contact with water, emit flammable gases Categories 1, 2 and 3 (Sub-class 4.3, all)	1	0.4	0.02
Oxidising capacity Class 5 maximum quantity (measured in tonnes, unless stated)			

Oxidising liquids Categories 1,2 and 3, or oxidising solids Categories 1, 2 and 3 (Sub-class 5.1.1, all)	3	1	0.05
Oxidising gases Category 1 (Sub-class 5.1.2 Gases)	1,000m^3	400m^3	40m^3
Organic peroxide Types A, B, C,D, E, F and G (Sub-class 5.2)	1	0.5	0.02
Toxic Class 6 Maximum Quantity (measured in tonnes, unless stated)			
Gases with acute oral/dermal /inhalation toxicity Categories 1, 2 and 3 (Sub-class 6.1 Gases)	300m^3	100m^3	0
Acute oral/dermal /inhalation toxicity Category 1 (Sub-class 6.1A)	0.5	0.2	0
Acute oral/dermal /inhalation toxicity Category 1 (6.1A) within 50m of a more sensitive zone	0.2	0.1	n/a
Acute oral/dermal /inhalation toxicity Category 2 (Subclass 6.1B)	6	2	0.05
Acute oral/dermal /inhalation toxicity Category 2 (6.1B) within 50m of a more sensitive zone	2	1	n/a
Acute oral/dermal /inhalation toxicity Category 3 (Sub-class 6.1C), germ cell mutagenicity Categories 1 and 2 (Sub-class 6.6), carcinogenicity Categories 1 and 2 (6.7), reproductive toxicity Categories 1 and 2 or effects on or via lactation (6.8) or specific target organ toxicity – single or repeat exposure Categories 1 and 2 or single exposure Category 3 narcotic effects (6.9)	20	6	0.3
Acute oral/dermal /inhalation toxicity Category 3 (6.1C), germ cell mutagenicity Categories 1 and 2 (Sub-class 6.6), carcinogenicity Categories 1 and 2 (6.7), reproductive toxicity Categories 1 and 2 or effects on or via lactation (6.8) or specific target organ toxicity – single or repeat exposure Categories 1 and 2 or single exposure Category 3 narcotic effects (6.9) within 50m of a more sensitive zone	6	2	n/a
Corrosive Class 8 Maximum Quantity (measured in tonnes, unless stated)			
Corrosive to metals Category 1, skin corrosion Category 1A, serious	6	2	0.05

~~eye damage Category 1 (Sub-class 8.1, 8.2A and 8.3A)~~			
~~Skin corrosion Category 1B and 1C (8.2B and 8.2C)~~	~~20~~	~~10~~	~~0.3~~
~~Eco-toxic Class 9 maximum quantity (measured in tonnes, unless stated)~~			
~~Hazardous to the aquatic environment (acute/chronic) Category 1 (Sub-class 9.1A)~~	~~0.5~~	~~0.5~~	~~0.5~~
~~Hazardous to the aquatic environment (acute/chronic) Category 1 (9.1A) < 30m of a watercourse~~	~~0.1~~	~~0.1~~	~~0.1~~
~~Hazardous to the aquatic environment (chronic) Category 2 (Sub-class 9.1B)~~	~~10~~	~~10~~	~~10~~
~~Hazardous to the aquatic environment (chronic) Category 2 (9.1B) < 30m of a watercourse~~	~~3~~	~~3~~	~~3~~
~~Hazardous to the aquatic environment (chronic) Category 3 (Sub-class 9.1C), hazardous to soil organisms (9.2) or hazardous to terrestrial invertebrates(9.4)~~	~~30~~	~~30~~	~~30~~
~~Hazardous to the aquatic environment (chronic) Category 3 (9.1C), hazardous to soil organisms (9.2) or hazardous to terrestrial invertebrates(9.4) < 30m of a watercourse~~	~~10~~	~~10~~	~~10~~
~~High Biological Oxygen Demand (BOD_5)(>10,000mg/l) > 30m of a watercourse~~	~~100~~	~~40~~	~~20~~
~~High Biological Oxygen Demand (BOD_5)(>10,000mg/l) < 30m of a watercourse~~	~~40~~	~~20~~	~~20~~

~~Notes when using the above table:~~

1. *~~A hazardous substance shall have the classification given by the Environmental Protection Authority when approving the importation and manufacture of that substance under the Hazardous Substances and New Organisms Act 1996 in reference to Globally Harmonised System (GHS7).~~*
2. *~~Quantities are given in t (tonnes), except all permanent or compressed gases, which are measured in m3 (cubic metres) at standard temperature and pressure (20°C and 101.3 kPa).~~*
3. *~~The table specifies the total quantities of hazardous substances for each hazard classification (aggregates). That is 0.5 tonnes of one Class 5.1 substance + 0.25 tonnes of another Class 5.1 substance = 0.75 tonnes of Class 5.1 This 0.75 tonnes is the amount to use to assess whether consent is required.~~*

4. ~~*Many substances have more than one hazardous property. The activity status must be determined for each hazard classification and the most onerous activity status shall apply. For example, petrol is classified as a flammable liquid Category 1 (3.1A), carcinogenicity Category 2 (6.7B) and hazardous to the aquatic environment Category 2 (9.1B). The flammability determines the activity status in this case.*~~
5. ~~*"n/a" means: not applicable; "all" means all categories in each hazard class.*~~
6. ~~*"sensitive zone" means a zone listed in a column in the table to the right of the zone considered.*~~

Definitions:

1. Delete definition of hazardous facility.

2. Include a definition for residual risk:

This definition only applies to the Hazardous Substances Chapter of the District Plan

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 Transport Act 1998, the Health and Safety at Work Act (2015) and regional planning instruments, have been complied with.

3. Amend the definition of significant hazardous facility:

Means any facility which involves one or more of the following activities:

(a) Manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints);

(b) Oil and gas exploration and extraction facilities;

(c) Purpose built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale or restricted commercial supply;

(d) The aboveground storage/use of more than 50,000L of petrol;

(e) The aboveground storage/use of more than 100,000L of diesel;

(f) The storage/use of more than 6 tonnes of LPG;

(g) Galvanising plants;

(h) Electroplating and metal treatment facilities;

(i) Tanneries;

(j) Timber treatment;

(k) Freezing works and rendering plants;

(l) Wastewater treatment plants;

(m) Metal smelting and refining (including battery refining or re-cycling);

(n) Milk treatment plants;

(o) Fibreglass manufacturing;

(p) Polymer foam manufacturing;

(q) Asphalt/bitumen manufacture or storage;

(r) Landfills;

For the avoidance of doubt, the following activities are not significant hazard facilities:

(t) The incidental use and storage of hazardous substances in minimal domestic scale quantities;

(u) Retail outlets for hazardous substances intended for domestic usage (e.g., supermarkets, hardware stores and pharmacies);

(v) The incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities;

(w) Pipelines used for the transfer of hazardous substances such gas, oil, trade waste and sewage;

(x) Fuel in motor vehicles, boats, airplanes and small engines;

(y) Military training activities;

(z) The transport of hazardous substances (e.g., in trucks or trains).