

*Section 42A Report  
Addendum*

*Hazardous Substances Chapter*

*Prepared for the*

*Proposed Kaipara District Plan*

*Report prepared by: Sarah Horton*

*3 March 2026*

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## 1. *Introduction and Purpose*

1. This report is an addendum to my Section 42A report dated 30 January 2026 on the Hazardous Substances Chapter of the Proposed Kaipara District Plan (PDP). This topic is to be heard at Hearing 6 on 10 March 2026. It has been prepared by me, Sarah Horton, as the author of the original Section 42A report.
2. This addendum responds to hearing evidence filed in respect of the Hazardous Substances Chapter and considers whether amendments to the notified provisions or to my original recommendations are warranted.
3. The hearing evidence raises the following principal issues:
  - Whether, following the Resource Legislation Amendment Act 2017 (RLAA), the District Plan retains a legitimate land-use management role in relation to hazardous substances;
  - Whether the chapter duplicates regulation under the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015 (HSWA);
  - Definitions — 'Significant Hazardous Facility' (SHF), 'Hazardous Facility', 'Residual Risk' and 'Cumulative Risk';
  - Requests to delete all Hazardous Substances rules (HS-R1 to HS-R5);
  - Whether the HS-S1 quantity threshold framework is appropriate and justified;
  - Whether HS-R3 (Fertiliser Storage) is proportionate, particularly the 28-day duration limit;
  - Service Stations and Fuel Storage (HS-R5);
  - Reverse sensitivity policy HS-P3;
  - Primary production and horticulture-related matters;
  - Requests for site-specific exemptions (notably Fonterra Maungatūroto);
  - Cumulative risk considerations;
  - Interaction of hazardous facilities with natural hazard overlays;
  - Section 32/32AA evaluation adequacy; and
  - Minor procedural corrections to the Section 42A report.
4. Having reviewed the hearing evidence, I remain satisfied that the Hazardous Substances Chapter performs a legitimate and necessary land-use function under section 31(1)(b) of the RMA. While HSNO and HSWA regulate operational and technical risk management, they do not address land-use compatibility, locational risk, reverse sensitivity, cumulative clustering, or the interaction of hazardous facilities with natural hazard overlays. These matters fall squarely within the Council's statutory mandate.
5. The threshold-based framework in HS-S1 operates as a screening mechanism to identify when land-use effects warrant assessment. The evidence presented does not demonstrate

that deletion of this framework would achieve the objectives of the chapter more effectively or efficiently in the Kaipara context.

THREE amendments are recommended in response to hearing evidence:

- **Amendment to the Hazardous Facility Definition**
  - **HS-R3 (Fertiliser Storage):** removal of the 28-day duration limit, with the rule reframed to focus on effects-based performance standards addressing location, flood exposure, and containment; and
  - **HS-S1 (Site-specific exemption for Fonterra Maungatūroto):** insertion of a narrowly framed, site-specific exemption for the Maungatūroto Dairy Manufacturing Site, together with a consequential new definition and mapping for the Maungatūroto Dairy Factory.
7. All other relief sought including deletion of HS-R1 to HS-R5, deletion of HS-S1, and adoption of a deregulatory framework relying solely on national legislation is not recommended. In my assessment, such an approach would materially reduce the Council's ability to manage locational compatibility and cumulative land-use effects and would not best achieve sustainable management under section 5 of the RMA.
8. Accordingly, I recommend retention of the Hazardous Substances Chapter framework as notified, subject only to the amendments identified in my Section 42A report as modified by the further amendments in this addendum.

## 2. *Hearing Evidence Received*

9. This addendum responds specifically to the following hearing evidence:

Submitter	Author / Firm	Submission reference
Fonterra Limited	Graeme Mathieson, Mitchell Daysh Ltd (17 Feb 2026)	S310
NZAAA (planning)	Lynette Wharfe, The AgriBusiness Group (17 Feb 2026)	S146, FS83
NZAAA (operational)	Tony Michelle (24 Feb 2026)	S146, FS83
Fuel Companies (BP, Mobil, Z Energy)	Georgina McPherson and Thomas Trevilla, SLR Consulting (17 Feb 2026)	S311, FS98
Horticulture New Zealand	Sarah Cameron, HortNZ (17 Feb 2026)	S140
Silver Fern Farms Limited	Steve Tuck, Mitchell Daysh Ltd (10 Feb 2026)	S287
Northpower Limited & Northpower Fibre Ltd	David Badham, Barker & Associates Ltd (16 Feb 2026) tabled statement	S283, FS82
Mangawhai Estates Partnership	Ewan Price (tabled statement)	S178
Ravensdown Limited	Hannah Mollison, Planz Consultants (5 Feb 2026), tabled email (not attending)	S229
Federated Farmers of New Zealand (Northland)	Jo-Anne Cook-Munro (tabled email, not attending, accepts recommendations)	S136

### 3. Summary of Evidence Themes and Addendum Positions

10. The table below summarises the principal themes raised in hearing evidence, identifies the submitters advancing each theme, cross-references the relevant Section 42A report analysis, and records this addendum's position.

Theme	Submitters raising issue	s42A Report reference	Addendum position
Post-RLAA role of District Plans / duplication with HSNO and HSWA	Fuel Companies, Northpower, NZAAA, HortNZ	Paragraphs 194–196; Topic 8	No change Chapter retains legitimate land-use function under s31(1)(b)
Definitions: Significant Hazardous Facility	Fuel Companies, NZAAA	Paragraphs 63–79	No change to notified definition
Definitions: Hazardous Facility (incl. vehicles, internal consistency)	Silver Fern Farms, NZAAA	Paragraphs 63–79	Minor drafting correction — 'Activity Status Table' corrected to HS-S1; vehicle wording and 'short periods of time' clarified
Definitions: Residual Risk (new definition sought)	NZAAA (Ms Wharfe)	Original: rely on ordinary meaning	No change term does not appear in any operative provision; Overview amendments address the substantive concern raised by Ms Wharfe
Definitions: Cumulative Risk (restrict to SHFs)	Fuel Companies	Definitions analysis	No change notified definition retained
Deletion of all rules (HS-R1 to HS-R5)	Northpower	Topic 7	No change rules retained
HS-S1 threshold framework (deletion / SHF-only model)	Fuel Companies, NZAAA	Topic 8	No change threshold framework retained
HS-R3 Fertiliser Storage (28-day limit)	HortNZ, Mangawhai Estates, NZAAA, Ravensdown	Topic 7	CHANGE 28-day limit removed; effects-based location/containment standards retained; conditions renumbered
HS-R5 Service Stations / Fuel Storage	Fuel Companies	Topic 7	No change HS-R5 retained as recommended in s42A report
Reverse Sensitivity (HS-P3)	Various	Topic 6	No change HS-P3 retained as notified; mischaracterisation of S287.5 acknowledged
Primary Production / Horticulture	HortNZ, NZAAA, Federated Farmers, Ravensdown	Topic 7	No change beyond HS-R3 amendment; Federated Farmers accept recommendations

Theme	Submitters raising issue	s42A Report reference	Addendum position
Site-specific exemption — Fonterra Maungatūroto	Fonterra	Not addressed in s42A	CHANGE site-specific HS-S1 exemption accepted; mapping and definition recommended
Cumulative Risk	Fuel Companies, Fonterra	Definitions / Topic 5	No change notified definition retained
Interaction with Natural Hazards	Fuel Companies, Mangawhai Estates	Topics 6–7	No change
Section 32/32AA adequacy	Fuel Companies, NZAAA, Northpower	Section 32 report	No change evaluation considered and maintained
Procedural corrections (Ravensdown mischaracterisation)	Ravensdown	Paragraphs 67, 169–171	CORRECTION Ravensdown sought amendment (not deletion) of Hazardous Facility definition; HS-R3 (not HS-R2) was Ravensdown's rule submission
Procedural corrections (Silver Fern Farms HS-P3 mischaracterisation)	Silver Fern Farms	Paragraph 147	CORRECTIONS287.5 sought to add reference to Hazardous Facilities, not to remove reference to SHFs; HS-P3 retained as notified
Alternative structural approaches (Waikato/SHF-led model)	Fuel Companies, NZAAA, Northpower	Topics 7–8	No change alternative approaches within scope but not recommended on available evidence
Regionally Significant Infrastructure (NPS-I, NPS-EN)	Northpower	Topics 3, 7–8	Acknowledged restricted discretionary framework proportionate

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## 4. Analysis of Evidence

### 4.1 Post-RLAA Role of District Plans and Duplication with HSNO and HSWA

11. Three submitters the Fuel Companies, Northpower, and NZAAA advanced a substantive legislative argument that, following the RLAA 2017, district plans should have a materially reduced role in managing hazardous substances. They contend that the PDP framework duplicates regulation under HSNO and HSWA and should be replaced with a significantly deregulatory or SHF-only model.
12. Other submitters HortNZ, Mangawhai Estates, Ravensdown, and Silver Fern Farms, raised duplication concerns in a narrower, rule-specific context (principally in relation to HS-R3 or definitional drafting), rather than advancing a systemic argument about the Council's post-RLAA statutory function.
13. No submitter provided Kaipara-specific quantitative risk analysis, spatial sensitivity mapping, or empirical incident data demonstrating that removal of the PDP's threshold-based framework would result in equivalent management of locational land-use effects. While the Waikato District Plan Hearings Panel decision has been cited in support of a less regulated approach, that decision confirmed that district plans may still manage land-use effects associated with hazardous facilities following the RLAA, the question being the extent of controls necessary rather than whether any are warranted.
14. The post-RLAA role of district plans and the alleged duplication with HSNO and HSWA were addressed in detail at paragraphs 194–196 of the Section 42A report (distinguishing operational controls from land-use compatibility effects), together with Topic 8 (HS-S1 threshold framework) and paragraphs 63–79 (definitions and structural methodology). I rely on that analysis in maintaining my recommendation that the chapter performs a legitimate land-use function under section 31(1)(b) of the RMA.
15. I acknowledge that some district plans adopted post-RLAA have removed quantity-based threshold rules and instead rely on a Significant Hazardous Facility framework or national legislation. Such an approach is within scope for this Plan. However, whether that model is appropriate depends on the particular environmental context and risk profile of the district. For the reasons set out in paragraphs 194–196 and Topic 8 of the Section 42A report, I am not satisfied that wholesale removal of HS-R1 to HS-R5 and HS-S1 would achieve equivalent management of locational compatibility, cumulative effects, and natural hazard interactions in the Kaipara District. In the absence of Kaipara-specific evidence demonstrating that deletion would result in equal or better outcomes, I do not recommend that option under section 32AA of the RMA.
16. I also note that Northpower's tabled statement raises the NPS for Infrastructure and the NPS for Electricity Networks (both effective 15 January 2026). I accept that these instruments

recognise the strategic importance of infrastructure and require that resource management frameworks do not create unnecessary obstacles to its delivery. However, the PDP's restricted discretionary framework already represents a more enabling approach than the Operative District Plan. The NPS instruments do not require removal of land-use planning controls that address residual locational effects not managed by HSNO or HSWA they require that such controls be proportionate. In my view, the threshold-based framework satisfies that test.

## 4.2 Definitions

### 4.2.1 Significant Hazardous Facility

17. The definition of 'Significant Hazardous Facility' (SHF) was challenged by the Fuel Companies and NZAAA. The Fuel Companies argue that the SHF definition is improperly tied to exceedance of HS-S1 thresholds and should instead adopt a use-based formulation with exclusion of underground service station storage. NZAAA similarly advocates for an activity-based SHF approach modelled on the Waikato District Plan. No other submitter sought substantive amendment to the SHF definition. These matters were addressed in the Section 42A report at paragraphs 63–79 and Topic 8.
18. I have reconsidered these arguments but remain satisfied that the threshold-linked definition of SHF is appropriate. The threshold approach provides an objective, transparent, and zone-specific trigger that is consistent with New Zealand planning practice. I continue to recommend retention of the notified SHF definition.

### 4.2.2 Hazardous Facility

19. Silver Fern Farms (submission point 287.4) and NZAAA both raised concerns about the 'Hazardous Facility' definition. The Section 42A report at paragraph 69 incorrectly recorded that Silver Fern Farms sought deletion of the definition in its entirety. In fact, submission point 287.4 sought amendment of the definition. I acknowledge that mischaracterisation.
20. Mr Tuck's evidence identifies specific drafting concerns with the notified definition, including:
  - (a) the inclusion of transport-related wording (*'Storage includes vehicles for their transport'*) that is inconsistent with HSNO/HSWA transport regulation;
  - (b) internal contradiction between that inclusion and the exclusions for 'fuel stored in mobile plants' and 'motor vehicles, boats and small engines';
  - (c) the phrase *'short periods of time'* being undefined; and
  - (d) the reference to 'Activity Status Table' not aligning with any provision in the PDP.
21. I accept that the reference to the 'Activity Status Table' should be corrected to refer explicitly to Standard HS-S1. This is a minor technical correction. I also accept that the phrase 'short periods of time' lacks certainty. I recommend amendment to remove that phrase and to clarify

- the vehicle-related wording to better delineate the boundary between land-use activities and transport regulation.
22. The broader inclusion of land-based storage and use activities within the definition remains appropriate. I do not consider that the concerns raised justify wholesale redrafting the definition performs a necessary structural function within the chapter.
  23. In addition, consistent with the matters raised by Silver Fern Farms, I note that the description 'activities involving sub-classes not included in the Activity Status Table' should be replaced with a clear reference to HS-S1 to improve navigability for plan users.
  24. The new Hazardous Facility definition is recommended to be:

*HAZARDOUS FACILITY*

*Means land, buildings or structures used for the manufacture, processing, treatment, stationary storage, use or disposal of hazardous substances.*

*A 'Significant Hazardous Facility' is a type of Hazardous Facility.*

*This definition excludes:*

*a. The transport of hazardous substances regulated under transport legislation;*

*b. Hazardous substances contained within the fuel systems of vehicles, vessels, aircraft or mobile plant; and*

*c. Temporary storage ancillary to a permitted activity that complies with Standard HS-S1; and*

*d. Activities involving sub-classes not included in the Standard HS-S1.*

#### 4.2.3 Residual Risk (new definition)

24. Ms Wharfe addresses the definition of 'Residual Risk' at section 9.3 of her evidence and seeks inclusion of a definition in the Plan. She refers to the approach taken in the Whangārei District Plan and provides wording for a definition. Her view is that this would clarify that the District Plan provisions apply only after compliance with HSNO, HSWA and related legislation.
25. In my Section 42A report, I recommended reliance on the ordinary meaning of 'residual risk'.
26. On consideration of inserting a definition of "Residual Risk", upon review of the operative provisions I note that the term is not used within the Objectives, Policies, Rules or Standards of the chapter. It is considered that the strengthened Overview now clearly signals that the chapter addresses residual land-use effects not otherwise managed through national legislation. In my view, insertion of a standalone definition would not materially assist interpretation and may create unnecessary complexity. I therefore do not recommend insertion of a definition.

#### 4.2.4 Cumulative Risk

28. The Fuel Companies seek amendment to the definition of 'Cumulative Risk' to limit its application to Significant Hazardous Facilities only. They propose revised wording restricting cumulative risk to the risks posed by one SHF in combination with other SHFs in the vicinity.
29. The notified definition recognises that cumulative risk may arise from the interaction of multiple hazardous facilities, whether or not each individually exceeds the HS-S1 thresholds. Restricting the definition to SHFs would exclude circumstances where multiple smaller facilities, individually permitted, may collectively give rise to adverse land-use compatibility effects. The definition operates as an interpretive tool within the policy framework and does not independently impose regulatory burden. Importantly, the Fuel Companies' evidence itself acknowledges that HSN0 and HSWA controls are substance- and facility-specific and do not address cumulative risk in the event of an accident.
30. Consistent with the reasoning in the Section 42A report, I recommend retention of the notified 'Cumulative Risk' definition.

#### 4.3 Requests to Delete All Hazardous Substances Rules

31. Only Northpower advances a fully deregulatory position seeking deletion of all rules (HS-R1 to HS-R5) and reliance solely on objectives and policies, as in the Whangārei District Council approach. The Fuel Companies and NZAAA also seek significant restructuring, but each proposes replacement provisions focused on SHFs, and their positions do not amount to wholesale deletion of the rule framework.
32. While I acknowledge the force of the deregulatory arguments, particularly in light of the RLAA amendments, I consider it appropriate to adopt a cautious approach. In practical terms, hazardous substance incidents and their locational consequences can be highly variable and context-specific. Given the limits of available site-specific evidence before the Panel regarding how cumulative or compatibility effects may arise across the District, I consider it prudent to retain a proportionate rule framework rather than remove it entirely.
33. If the Panel is minded to remove the rule framework in its entirety, I can assist by preparing a revised chapter structured along the lines of the Whangārei approach but adapted to reflect the absence of rules. This would involve reframing the Overview, Objectives and Policies to clearly confine the Council's role to managing residual land-use effects; ensuring the chapter expressly signals reliance on national legislation for operational controls; and providing a supplementary section 32AA evaluation of a no-rules framework. I would also provide a comparative analysis of how other districts have addressed hazardous substances post-RLAA.

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#### 4.4 HS-S1 Quantity Threshold Framework

34. The Fuel Companies and NZAAA both seek deletion of the HS-S1 quantity threshold framework and its replacement with an SHF-only approach.
35. The Fuel Companies (Ms McPherson and Mr Trevilla) argue that the threshold table approach should be replaced with an SHF-based framework (section 7.35(c) of their evidence). They further submit that if the Panel retains the threshold-triggered framework, amendments would be required (section 7.38).
36. Ms Wharfe, for NZAAA, describes the HS-S1 thresholds as complex and not practical, noting the difficulty of assembling substance lists and tracking quantities over time. She supports an activity-based framework with a clear SHF definition and a permitted activity rule for other hazardous substance use.
37. In considering this evidence, I acknowledge that the threshold model introduces a degree of administrative complexity. However, HS-S1 provides a clear, objective, and zone-specific trigger for when land-use compatibility effects warrant assessment. The thresholds do not regulate substances themselves they function as a screening mechanism to identify when aggregate quantities may give rise to adverse land-use effects, including cumulative and reverse sensitivity effects.
38. Accordingly, while I recognise the preference expressed by the Fuel Companies and NZAAA for an SHF-only model, I continue to recommend retention of the HS-S1 threshold framework, subject to any minor refinements to improve clarity and readability. The evidence does not demonstrate that an SHF-only approach would deliver equivalent management of locational compatibility and cumulative effects in the Kaipara context.

#### 4.5 HS-R3 — Fertiliser Storage

39. Hearing evidence from HortNZ, Mangawhai Estates, NZAAA, and (by tabled email) Ravensdown raises concerns about HS-R3 as notified. Their positions vary:
  - **NZAAA** seeks deletion of HS-R3 in its entirety, on the basis that fertiliser storage is already regulated under HSNO and associated EPA Notices. Mr Michelle's operational evidence reinforces this position. He notes that fertiliser application is seasonal and heavily dependent on weather windows, that hub airstrips commonly service multiple properties and may hold fertiliser for periods exceeding 28 days during peak application seasons, and that numerous other district plans across New Zealand do not include provisions managing on-farm fertiliser storage bins. This comparative practice evidence supports the view that the 28-day limit is out of step with how the planning system generally treats routine rural storage.

- **HortNZ** raises similar concerns about regulatory burden for rural production activities. Ms Cameron's evidence demonstrates that growers commonly purchase fertiliser in bulk and apply it progressively throughout the season, making the 28-day limit operationally unworkable and economically costly without corresponding environmental benefit.
- **Mangawhai Estates** does not seek deletion but emphasises the potential environmental effects of fertiliser storage in sensitive and flood-prone receiving environments. Mr Price's tabled statement also raises a practical concern that 'watercourse' is not defined in the Plan, yet the 30-metre setback in HS-R3 depends on that term.
- **Ravensdown** (by tabled email) stands by its submission points, which sought amendment of HS-R3, not deletion.

40. Having reconsidered the evidence, I accept that the primary risk pathways associated with fertiliser storage are not driven by the duration of storage but by: location relative to sensitive environments; exposure to flooding and overland flow paths; and containment, setback, and site management standards. Duration alone does not necessarily correlate with environmental risk a short storage period in a flood-prone or poorly contained location may present greater risk than longer-term storage in an appropriately designed and contained facility.

41. I therefore accept that the 28-day duration limit should be removed and that HS-R3 should be reframed to focus on effects-based performance standards addressing location, flood exposure, and containment. This responds to the concerns of NZAAA and HortNZ regarding unnecessary regulatory burden, while also addressing Mangawhai Estates' concern about environmental protection. I do not recommend deletion of HS-R3 in its entirety, as retaining a permitted activity rule with clear standards is more appropriate than removing land-use oversight altogether.

42. Regarding the term 'watercourse' raised by Mangawhai Estates, I note that this term is not formally defined in the PDP. For the purposes of applying the 30-metre setback in HS-R3, 'watercourse' should be understood according to its ordinary meaning a natural or artificial channel through which water flows which is consistent with the definition of 'water body' under section 2 of the RMA. I do not consider the absence of a formal definition to be a substantive deficiency that undermines the rule's operation. However, I recommend that the Panel consider inserting a plain-English note or cross-reference in the rule or its explanatory text to assist plan users with this interpretation.

43. The recommended amended rule is as follows. **The 28-day duration limit (former condition c) has been deleted. The remaining conditions have been renumbered: former condition (d) becomes new condition (c).**

HS-R3	Fertiliser Storage		
<b>HS-R3</b> General Rural Zone	<b>1. Activity status: Permitted</b> 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 <del>c. the duration of the storage does not exceed 28 days within any 12-month period; and</del> c. The substance stored is intended for rural production use and not for retail sale.	2. Activity status when compliance not achieved: <b>Restricted</b> <b>Discretionary</b>	Matters over which discretion is restricted 3. a. HS-MAT1; and b. HS-MAT2

44. **Section 32AA evaluation:** Removal of the 28-day limit improves the efficiency and effectiveness of the rule by aligning it with the actual risk pathways identified in the hearing evidence. Duration of storage is not the determinative factor for environmental risk location relative to sensitive environments and flood pathways, combined with containment standards, are the primary risk drivers. Retaining location-based standards while removing the temporal limit reduces compliance complexity without diminishing environmental safeguards. The amendment achieves the objectives of the chapter (HS-O1 and HS-O2) more effectively than the notified rule while imposing a lower regulatory burden on primary production activities.

#### 4.6 HS-R5 Service Stations and Fuel Storage

45. Ms McPherson and Mr Trevilla, for the Fuel Companies, address service stations and fuel storage within sections 7.35–7.38 of their evidence. They seek deletion of HS-R1 to HS-R5 and HS-S1, and specifically seek categorical exclusion of underground petrol and diesel storage at service stations and commercial refuelling facilities from the District Plan framework.
46. The Fuel Companies contend that risks associated with underground storage are adequately addressed through compliance with HSNO and propose express exclusions for underground and certain above-ground storage.
47. I do not agree that HS-R5 should be deleted or that underground fuel storage at service stations should be categorically excluded from the District Plan framework, for the following reasons:

- The purpose of the Hazardous Substances chapter is not to duplicate HSNO or HSWA operational controls, but to manage residual land-use effects including compatibility with sensitive activities, reverse sensitivity, cumulative effects, and exposure to natural hazards. HS-R5 is directed at those land-use effects.
- Service stations are frequently located within mixed-use or residential interfaces. Matters such as proximity to sensitive activities, cumulative exposure, evacuation constraints, and interaction with flood hazard or coastal inundation are land-use planning considerations within the Council's functions under section 31 of the RMA.
- A blanket exclusion for underground fuel storage would remove the Council's ability to assess locational effects in flood-prone or sensitive environments. While underground storage mitigates certain surface-level risks, it does not eliminate contamination pathways associated with inundation, structural failure, or ground instability.
- The PDP represents a less onerous regulatory approach than the Operative District Plan, HS-R5 uses a Controlled Activity (and Restricted Discretionary where conditions are not met) rather than Discretionary Activity status. This change narrows assessment and limits discretion to identified land-use effects.

48. Consistent with the reasoning in the Section 42A report, I recommend retention of HS-R5.

#### 4.7 Reverse Sensitivity (HS-P3)

49. Evidence from multiple submitters addresses whether the reverse sensitivity policy HS-P3 should extend to all hazardous facilities or remain targeted to lawfully established Significant Hazardous Facilities.
50. The Section 42A report at paragraph 152 recommended retaining HS-P3 as notified, focused on lawfully established significant hazardous facilities. I have reconsidered the hearing evidence on this point and remain satisfied that the notified approach is appropriate. Extending reverse sensitivity protection to all hazardous facilities would potentially apply precautionary location controls to a very wide range of activities, including those with minimal land-use compatibility risk. The targeted approach to SHFs is consistent with proportionate land-use management.
51. I also record the following procedural correction. The Section 42A report at paragraph 147 stated that Silver Fern Farms [287.5] and Ravensdown [229.10] both requested amending HS-P3 to remove reference to Significant Hazardous Facilities. That characterisation of the Silver Fern Farms submission is incorrect. Submission point 287.5 sought to *add* a reference to Hazardous Facilities so that reverse sensitivity protection would extend to any lawfully established Hazardous Facility, not only those meeting the SHF threshold. I acknowledge this mischaracterisation.

52. Having considered the submission as correctly characterised, I do not change my recommendation on HS-P3. Extending protection to all Hazardous Facilities (including those operating as permitted activities at lower hazard levels) would broaden precautionary locational controls beyond what is necessary to manage land-use compatibility effects. Mr Tuck's alternative formulation relying on the proposed amendment to the Hazardous Facility definition to encompass SHFs is noted but does not change this conclusion. The targeted approach to lawfully established SHFs remains the most proportionate and defensible policy position.
53. No change to HS-P3 is recommended.

#### 4.8 Primary Production and Horticulture

54. Hearing evidence from HortNZ, NZAAA, Ravensdown, Federated Farmers, and (contextually) Fonterra raises concerns about the application of the Hazardous Substances framework to primary production activities, including fertiliser storage, agrichemical use, rural depots, and large-scale rural processing facilities.
55. I acknowledge the consistent concern across primary production submitters that the framework must avoid duplication with HSNO/HSWA, not impose unnecessary consenting burden on routine rural activities, and recognise the operational realities of on-farm storage and handling.
56. I remain satisfied that the chapter appropriately distinguishes between operational controls (managed under HSNO and HSWA) and residual land-use effects (managed under the RMA). The amendment to HS-R3 recommended at section 4.5 above directly addresses the most significant practical concern raised by primary production submitters.
57. I acknowledge that the fully deregulatory approach advanced by Northpower would address many of these concerns by removing consent triggers for routine rural storage activities. However, for the reasons set out in the Section 42A report and reiterated at section 4.1 above, some district plan oversight remains appropriate to manage residual land-use compatibility effects, particularly in sensitive receiving environments and areas subject to natural hazards.
58. Federated Farmers have advised that they accept the recommendations set out in the Section 42A report and will not be attending the hearing. No further response to their submission is required beyond noting their acceptance.

#### 4.9 Site-Specific Exemption — Fonterra Maungatūroto Dairy Manufacturing Site

59. Fonterra seeks a site-specific exemption from HS-S1 for the storage and use of hazardous substances associated with the operation of the Maungatūroto Dairy Factory. To give effect to

that exemption, Fonterra also seeks: identification of the extent of the Maungatūroto Dairy Factory site within the Heavy Industrial Zone (HIZ) on the Planning Maps; and insertion of a new definition of 'Maungatūroto Dairy Factory' in the Definitions section.

60. Having considered the evidence of Mr Mathieson, I accept Fonterra's request for the following reasons:

- The exemption is narrowly framed and limited to a specific, long-established Heavy Industrial activity operating under an Environment Court-approved framework in the Operative District Plan.
- The evidence demonstrates that exceedance of the HS-S1 thresholds arises from routine dairy processing streams rather than unmanaged residual land-use effects.
- Strict application of the generic threshold would create an unintended consent trigger without corresponding land-use benefit.
- The request does not remove the site from the Hazardous Substances Chapter entirely it recognises the established industrial context, its HIZ zoning, and the absence of proximate sensitive activities.
- Reverse sensitivity and natural hazard matters are addressed through other provisions, including zoning controls and the Natural Hazards chapter.

61. I am satisfied that identifying the site extent on the Planning Maps and introducing a corresponding definition provides certainty and transparency in the application of the exemption. This approach is consistent with the Operative District Plan framework and ensures the exemption is spatially confined and clearly defined.

62. Accordingly, I recommend:

- Amendment of the Planning Maps to identify the Maungatūroto Dairy Factory site within the HIZ;
- Insertion of a new HS-S1 exemption for the Maungatūroto Dairy Factory; and
- Insertion of the following definition:

**Maungatūroto Dairy Factory**

*The Heavy Industrial Zone area within Maungatūroto shown as 'Maungatūroto Dairy Factory' on the planning maps.*

63. **Section 32AA evaluation:** Insertion of a narrowly framed, site-specific exemption supported by mapping and definition is efficient and effective in this instance. It avoids regulatory duplication, addresses an unintended consequence of the HS-S1 threshold application, and does not undermine the integrity of the Hazardous Substances Chapter. I am satisfied that the exemption represents the most appropriate method of achieving the chapter's objectives in relation to this particular site.

#### 4.10 Cumulative Risk Considerations

64. Cumulative risk is addressed in the hearing evidence primarily by Ms McPherson and Mr Trevilla for the Fuel Companies. They acknowledge that HSNO and HSWA controls are substance- and facility-specific and do not address cumulative risk in the case of an accident, but seek restriction of the 'Cumulative Risk' definition to SHFs only.
65. I remain satisfied that cumulative risk is a legitimate land-use planning consideration under section 31(1)(b) of the RMA. Restricting the definition to SHFs would exclude circumstances where multiple smaller facilities, individually below thresholds, may collectively give rise to land-use compatibility effects. The definition operates as an interpretive tool and does not independently impose regulatory burden or trigger consent requirements.
66. Consistent with the Section 42A report, I recommend retention of the notified 'Cumulative Risk' definition.

#### 4.11 Interaction with Natural Hazards

67. The Fuel Companies argue that compliance with national legislation sufficiently manages risks associated with fuel storage, including in flood-prone areas, and seek exclusion of underground storage from the District Plan framework on that basis.
68. Mangawhai Estates' evidence reflects a contrasting, precautionary position emphasising the need for planning controls to address land-use compatibility, protect sensitive receiving environments, and manage hazardous substance activities near residential areas or environmental features.
69. The natural hazard dimension is one of the core reasons why I consider district plan oversight of significant hazardous facilities remains appropriate post-RLAA. HSNO and HSWA do not address the appropriateness of location relative to flood plains, coastal inundation zones, or geologically unstable land. These are quintessential land-use planning matters. No change to the existing chapter approach is recommended on this issue.

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#### 4.12 Section 32 / 32AA Evaluation Adequacy

70. The adequacy of the Section 32 evaluation is questioned by the Fuel Companies, NZAAA, and implicitly by Northpower through its deregulatory position. The core concern is whether sufficient evidential justification has been provided for retaining the HS-S1 threshold framework and associated rules following the RLAA amendments.
71. I remain satisfied that the Section 32 report considered the reasonably practicable options available including reliance solely on national legislation and concluded that a targeted district plan framework is the most appropriate method to manage residual land-use effects under section 31 of the RMA. The evaluation identified efficiency, certainty, and proportionality considerations, and explained why operational controls under HSNO and HSWA do not address locational compatibility, cumulative effects, or natural hazard interaction.
72. If the Panel considers that further refinement is required, I am able to provide a focused supplementary section 32AA assessment addressing any amendments recommended through this addendum.

#### 4.13 Procedural Corrections - Ravensdown

74. Ravensdown has confirmed by tabled email (Hannah Mollison, Planz Consultants, 5 February 2026) that it will not be filing evidence or attending Hearing 6. It continues to stand by its submission points.
75. Ravensdown has identified two factual inaccuracies in the Section 42A report:
- **First:** the report at paragraph 67 stated that Ravensdown sought deletion of the definition of 'Hazardous Facility' in its entirety (Sub. No. 229.4). This is incorrect Ravensdown sought amendment of that definition.
  - **Second:** the report at paragraphs 169–171 incorrectly stated that Ravensdown was the sole submitter on HS-R2 (Radioactive Materials). Ravensdown's submission point 229.12 relates to HS-R3 (Fertiliser Storage), not HS-R2.
76. I accept both corrections. The record will be amended to accurately reflect the relief sought and the correct rule reference. These corrections do not alter the substance of my analysis or recommendations.

#### 4.14 Procedural Corrections - Silver Fern Farms (HS-P3)

77. As noted at paragraph 51 above, the Section 42A report at paragraph 147 mischaracterised the relief sought by Silver Fern Farms in submission point 287.5. The report stated that Silver

Fern Farms sought to remove reference to Significant Hazardous Facilities from HS-P3. The correct position is that submission point 287.5 sought to *add* a reference to Hazardous Facilities, so that reverse sensitivity protection would extend to any lawfully established Hazardous Facility. I acknowledge and correct this mischaracterisation.

78. As set out in section 4.7 above, I do not recommend amending HS-P3 in response to this submission. The substantive reasons for retaining HS-P3 as notified are addressed in my analysis at paragraphs 50–53 and are not affected by this correction.

#### 4.15 Alternative Structural Approaches

79. The Fuel Companies and NZAAA advocate for a Waikato-style or SHF-led model that removes or significantly restructures the threshold-based framework. Northpower advocates for an even more deregulatory position effectively removing all rules.
80. A deregulatory or Waikato-style restructuring is potentially within scope because: Northpower seeks removal of the rule framework entirely; the Fuel Companies seek deletion of HS-S1 and HS-R1 to HS-R5 and replacement with an SHF-led model; and NZAAA seeks deletion of HS-S1 and significant restructuring.
81. I acknowledge that an SHF-led model would simplify the chapter and more clearly signal reliance on HSNO and HSWA. However, it would remove the objective screening function provided by HS-S1, which currently enables assessment of land-use compatibility and cumulative effects where thresholds are exceeded. In my view, this represents a policy choice rather than a statutory compliance issue. While there may be efficiency and clarity benefits in adopting a more consolidated framework, I do not have sufficient Kaipara-specific evidence to be satisfied that the alternative model would achieve equivalent or better outcomes.
82. If the Panel is minded to adopt a deregulatory or SHF-only framework, I can assist with redrafting and a focused section 32AA evaluation to ensure the revised approach remains the most appropriate method.

## 5. Summary of Recommended Amendments

83. Four amendments are recommended in response to hearing evidence. The table below summarises the changes from my original Section 42A recommendations:

	s42A Report recommendation (30 January 2026)	Addendum recommendation (3 March 2026)
a.	Retain SHF definition, clarify link to HS-S1 exceedance.	No change.
b.	Retain Hazardous Facility definition as notified.	Minor technical amendment correct 'Activity Status Table' reference to HS-S1; clarify vehicle-related wording and phrase 'short periods of time'.
c.	Retain Cumulative Risk definition as notified.	No change.
d.	Rely on ordinary meaning of 'Residual Risk'; do not define.	No change term does not appear in any operative provision; Overview amendments address the substantive concern.
e.	Retain HS-O1 and HS-O2 as notified.	No change.
f.	Amend HS-P1 heading and HS-P2 wording as recommended.	No change.
g.	Retain HS-P3 focused on lawfully established SHFs.	No change. Mischaracterisation of S287.5 acknowledged submission sought to add reference to Hazardous Facilities, not remove reference to SHFs. Position on HS-P3 unchanged.
h.	Refine HS-R1 for clarity; reference HS-S1; allow emergency services exemption.	No change.
i.	Retain HS-R2 (Radioactive Materials) as notified.	No change.
j.	Retain HS-R3 (Fertiliser Storage) as notified.	CHANGE remove 28-day duration limit; retain location-based and containment standards as effects-based permitted conditions; conditions renumbered accordingly.

	s42A Report recommendation (30 January 2026)	Addendum recommendation (3 March 2026)
k.	Retain HS-R4 as notified.	No change.
l.	Retain HS-R5 (Fuel Storage / Service Stations) as notified; correct missing zone cascade.	No change.
m.	Retain HS-MAT1 and HS-MAT2 as notified.	No change.
n.	Retain HS-S1 thresholds as notified.	CHANGE add narrowly framed site-specific exemption for Fonterra Maungatūroto Dairy Factory; amend Planning Maps to identify site extent in HIZ; insert new definition 'Maungatūroto Dairy Factory'.

## 6. Section 32AA Evaluation

84. Amendments recommended in this addendum are limited to: (a) removal of the 28-day duration limit in HS-R3; and (b) insertion of a site-specific exemption for the Maungatūroto Dairy Manufacturing Site, supported by mapping and a new definition.
85. In accordance with section 32AA of the RMA, I have undertaken a proportionate evaluation of these amendments. I address each in turn.
86. **HS-R3 Removal of 28-day limit:** This amendment improves the efficiency and effectiveness of the rule by aligning it with the actual risk pathways identified in the hearing evidence. Duration of storage is not the determinative factor for environmental risk — location relative to sensitive environments and flood pathways, combined with containment standards, are the primary risk drivers. Retaining location-based standards while removing the temporal limit reduces compliance complexity without diminishing environmental safeguards. The amendment achieves the objectives of the chapter (HS-O1 and HS-O2) more effectively than the notified rule while imposing a lower regulatory burden on primary production activities.
87. **HS-S1 exemption for Fonterra Maungatūroto:** This amendment addresses an unintended regulatory consequence where exceedance of the HS-S1 thresholds does not correlate with unmanaged land-use effects in the specific industrial context of the Maungatūroto Dairy Factory. The exemption is narrowly framed, spatially confined by mapping, and supported by a transparent definition. It does not undermine the integrity of the threshold-based framework

rather, it ensures the framework is applied in a manner proportionate to actual land-use effects. The amendment is efficient and effective in achieving the objectives of the chapter in relation to this site.

88. I am satisfied that both amendments represent the most appropriate method of achieving the objectives of the Hazardous Substances Chapter and are consistent with sections 5 and 31 of the RMA. No other amendments to my original recommendations are warranted on the basis of the hearing evidence received.