

Proposed Kaipara District Plan

Summary of Submissions

This document contains a summary of decisions requested by persons making submissions on the Proposed Kaipara District Plan in accordance with clause 7 of Schedule 1 of the Resource Management Act. The summary of decisions requested for Light was notified on 21 October 2025 and those submissions are therefore not included in this document.

Important Notes

- Where submissions are unclear, the summary of decisions requested contain the word *inferred*.
- This summary is **not a substitute** for reading the full submission. If you think your interests may be affected, please review the full submission online here: [PDP Submissions](#) - submissions are also available for viewing online at our offices and libraries in **Dargaville** or **Mangawhai**.
- Submission point numbers may not be sequential due to quality assurance checks.
- Submission numbers are unique identifiers and must be stated when making a further submission.

Guide to the Summary of Submissions

- Decisions are organized by provision number.
- Where specific wording changes have been requested in submissions, those changes shown as:
 - Underlined = new wording
 - ~~Strikethrough~~ = deletions

How to Make a Further Submission

- From 1 December to 15 December 2025, you can:
 - **Save time! Complete our easy online Form 6 here:** [PDP Online Form 6](#)
 - OR
 - **Download a pdf version of Form 6:** [Form 6 pdf version](#)
- THEN
- **Email it to:** districtplanreview@kaipara.govt.nz
- **Post it to:** Planning and Policy Team, Kaipara District Council, Private Bag 1001, Dargaville 0340
- **Deliver it to either Council office:** 32 Hokianga Road, Dargaville or 6 Molesworth Drive, Mangawhai

Deadline: Further submissions close at 5:00pm on Monday 15 December 2025.

Important: You must send a copy of your further submission to the original submitter **within 5 working days** of lodging it with Kaipara District Council. To access a list containing Submitter Contact Details, click [here](#).

Disclaimer:

This summary of submissions has been prepared and published in accordance with the Resource Management Act to assist the public in understanding the points raised by submitters. Kaipara District Council has used its best endeavours to accurately summarise the relief sought in the submissions, however, we cannot guarantee the accuracy or completeness of the information provided in this document.

Users are advised to take specific independent professional advice before taking any action as a result of information contained in this summary.

Please note that all original submissions and names of submitters are publicly available on the Council website. Submitters should read the full submission for themselves.

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Summary of Submissions for the topic of: Hazardous Substances (in Provision order)

Submission point No.	Submitter	Provision	Position	Summary of decision requested	Reasons
283.3	Northpower Limited and Northpower Fibre Limited	General	Amend	RETAIN objectives and policies relating to hazardous substances for the consideration at resource consent stage. AND DELETE rules relating to hazardous substances. AND Any further necessary consequential amendments required.	<ul style="list-style-type: none"> To be consistent with the approach taken from Whangarei District Council through Plan Change 91. To be consistent with the 2017 Resource Management Act Amendments which removed explicit function for local authorities to control adverse effects of storage, use, disposal and transportation of hazardous substances. For a consistent approach to apply across Whangarei and Kaipara Districts.
287.3	Silver Fern Farms	General	Amend	No specific decision requested but submitter seeks that the Proposed District Plan recognises the benefits of, and provides for the operation of, hazardous facilities, while minimising the risk of reverse sensitivity effects on these facilities. Submitter notes that the Silver Fern Farms site will meet the definition of "Hazardous Facility" and may meet the thresholds to qualify as a "Significant Hazardous Facility".	<ul style="list-style-type: none"> The Silver Fern Farms site will meet the definition of "Hazardous Facility" and may meet the thresholds to qualify as a "Significant Hazardous Facility".
301.15	Channel Terminal Services Limited	General	Amend	ADD cross-reference to INF-R56 within the Hazardous Substances chapter. AND Any ancillary, or alternative and consequential relief as necessary or appropriate.	<ul style="list-style-type: none"> Cross-references will ensure that plan-users are aware of these rules relating to the Gas or Petroleum Pipeline Corridor.
301.28	Channel Terminal Services Limited	General	Amend	RETAIN the Hazardous Substances chapter as notified. (note referencing error in the submission) AND ADD an advice note to the Hazardous Substances chapter that provides that the provisions in this chapter are not intended to apply to existing gas and petroleum pipelines. AND ADD a cross reference to INF-R56 in the Hazardous Substances chapter. AND Any ancillary, or alternative and consequential relief as necessary or appropriate.	<ul style="list-style-type: none"> The submitter generally supports the approach to managing hazardous substances in this chapter of the Proposed District Plan. While the submitter does not have specific comments on the provisions, they do not appear to be intended to manage existing underground pipelines for transport of gas and petroleum products. Accordingly, the submitter considers that the provisions should clearly state that the hazardous substances provisions do not apply to existing gas or petroleum pipelines.
283.118	Northpower Limited and Northpower Fibre Limited	General	Oppose	DELETE the rules from the Hazardous Substances chapter. AND AMEND the objectives and policies in the Hazardous Substances chapter on the basis of there being no rules for hazardous substances. AND Any further necessary consequential amendments required.	<ul style="list-style-type: none"> To be in accordance with the Whangarei District Council's Plan Change 91 which proposes to retain objectives and policies relating to hazardous substances for the consideration at resource consent stage, but deletes any rules relating to hazardous substances. The submitter supports Whangarei District Council's approach which is consistent with the 2017 Resource Management Act amendments which removed explicit function for local authorities to control the adverse effects of the storage, use, disposal and transportation of hazardous substances.
309.51	Clarus	General	Support	RETAIN the Hazardous Substances chapter. AND Any necessary consequential changes to the Proposed District Plan that are required to give effect to the submission.	<ul style="list-style-type: none"> The provisions are necessary and appropriate, other than as specifically noted in other submission points.
229.5	Ravensdown Limited	Hazardous substances	Amend	AMEND the Overview in the Hazardous Substances chapter by deleting the final paragraph as follows: Overview Hazardous substances include... ... 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.	<ul style="list-style-type: none"> The submitter supports the statement in the overview that the role of the Proposed District Plan is to support the regulation of hazardous substances, which are regulated under HSNO and HSW as it is implied that any Proposed District Plan rules should be supportive of, and not duplicate, these regulations. However, the submitter opposes the final paragraph referring to the need for the Proposed District Plan to control the quantities of hazardous substances, to 'assist' other legislation which manages hazardous substances. Including hazardous substances control in the Proposed District Plan is unnecessary regulatory duplication.
311.32	Fuel Companies (BP, Mobil & Z Energy)	HS-MAT1	Oppose	DELETE HS-MAT1. AND	<ul style="list-style-type: none"> Refer to reasons given in the submission points for the deletion of the definition on "hazardous facility", the amendment to the definition on "Significant Hazardous Facility" (SHF), and the other

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				AMEND HS-MAT2 as appropriate to the new suite of significant hazardous facility rules as sought in other submissions. AND Any consequential or alternative relief required to achieve the same outcome.	submissions on the provisions of the hazardous substances chapter. <ul style="list-style-type: none"> The matters of discretion HS-MAT1 are generally opposed as many of the clauses relate to facility design and management matters that are already addressed by way of compliance with HSNO and HSWA. HS-MAT1.c. infers a requirement for hazardous facilities to have an operational or functional need to be in the location proposed. That may be relevant in some limited circumstances, but not all and will not necessarily be related to the acceptability of risk. Should a 'restricted discretionary' activity status remain following the development of a new set of rules (per the Fuel Companies broader submission points on the hazardous substances provisions), the matters of discretion should also be redrafted accordingly. Refer also to submission point 311.33.
311.33	Fuel Companies (BP, Mobil & Z Energy)	HS-MAT2	Oppose	DELETE HS-MAT2. AND AMEND HS-MAT2 to redraft as appropriate to the new suite of significant hazardous facility rules sought in broader submissions on the hazardous substances' provisions. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> Refer to reasons given in the submission points for the deletion of the definition on "hazardous facility", the amendment to the definition on "Significant Hazardous Facility" (SHF), and the other submissions on the provisions of the hazardous substances chapter. The matters of discretion HS-MAT1 are generally opposed as many of the clauses relate to facility design and management matters that are already addressed by way of compliance with HSNO and HSWA. HS-MAT1.c. infers a requirement for hazardous facilities to have an operational or functional need to be in the location proposed. That may be relevant in some limited circumstances, but not all and will not necessarily be related to the acceptability of risk. Should a 'restricted discretionary' activity status remain following the development of a new set of rules (per the Fuel Companies broader submission points on the hazardous substances provisions) the matters of discretion should also be redrafted accordingly. Refer also to submission point 311.32.
311.33	Fuel Companies (BP, Mobil & Z Energy)	HS-MAT2	Oppose	DELETE HS-MAT2. AND AMEND HS-MAT2 to redraft as appropriate to the new suite of significant hazardous facility rules sought in broader submissions on the hazardous substances' provisions. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> Refer to reasons given in the submission points for the deletion of the definition on "hazardous facility", the amendment to the definition on "Significant Hazardous Facility" (SHF), and the other submissions on the provisions of the hazardous substances chapter. The matters of discretion HS-MAT1 are generally opposed as many of the clauses relate to facility design and management matters that are already addressed by way of compliance with HSNO and HSWA. HS-MAT1.c. infers a requirement for hazardous facilities to have an operational or functional need to be in the location proposed. That may be relevant in some limited circumstances, but not all and will not necessarily be related to the acceptability of risk. Should a 'restricted discretionary' activity status remain following the development of a new set of rules (per the Fuel Companies broader submission points on the hazardous substances provisions) the matters of discretion should also be redrafted accordingly. Refer also to submission point 311.32.
311.33	Fuel Companies (BP, Mobil & Z Energy)	HS-MAT2	Oppose	DELETE HS-MAT2. AND AMEND HS-MAT2 to redraft as appropriate to the new suite of significant hazardous facility rules sought in broader submissions on the hazardous substances' provisions. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> Refer to reasons given in the submission points for the deletion of the definition on "hazardous facility", the amendment to the definition on "Significant Hazardous Facility" (SHF), and the other submissions on the provisions of the hazardous substances chapter. The matters of discretion HS-MAT1 are generally opposed as many of the clauses relate to facility design and management matters that are already addressed by way of compliance with HSNO and HSWA. HS-MAT1.c. infers a requirement for hazardous facilities to have an operational or functional need to be in the location proposed. That may be relevant in some limited circumstances, but not all and will not necessarily be related to the acceptability of risk. Should a 'restricted discretionary' activity status remain following the development of a new set of rules (per the Fuel Companies broader submission points on the hazardous substances provisions) the matters of discretion should also be redrafted accordingly. Refer also to submission point 311.32.

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					<p>addressed by way of compliance with HSNO and HSWA.</p> <ul style="list-style-type: none"> HS-MAT1.c. infers a requirement for hazardous facilities to have an operational or functional need to be in the location proposed. That may be relevant in some limited circumstances, but not all and will not necessarily be related to the acceptability of risk. Should a 'restricted discretionary' activity status remain following the development of a new set of rules (per the Fuel Companies broader submission points on the hazardous substances provisions) the matters of discretion should also be redrafted accordingly. Refer also to submission point 311.32.
311.33	Fuel Companies (BP, Mobil & Z Energy)	HS-MAT2	Oppose	<p>DELETE HS-MAT2. AND AMEND HS-MAT2 to redraft as appropriate to the new suite of significant hazardous facility rules sought in broader submissions on the hazardous substances' provisions. AND Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> Refer to reasons given in the submission points for the deletion of the definition on "hazardous facility", the amendment to the definition on "Significant Hazardous Facility" (SHF), and the other submissions on the provisions of the hazardous substances chapter. The matters of discretion HS-MAT1 are generally opposed as many of the clauses relate to facility design and management matters that are already addressed by way of compliance with HSNO and HSWA. HS-MAT1.c. infers a requirement for hazardous facilities to have an operational or functional need to be in the location proposed. That may be relevant in some limited circumstances, but not all and will not necessarily be related to the acceptability of risk. Should a 'restricted discretionary' activity status remain following the development of a new set of rules (per the Fuel Companies broader submission points on the hazardous substances provisions) the matters of discretion should also be redrafted accordingly. Refer also to submission point 311.32.
146.16	New Zealand Agricultural Aviation Association	HS-O1	Amend	<p>AMEND HS-O1 as follows: Hazardous substance use, storage or transport and disposal activities are located, designed and are managed, so that the residual risk to people, property and the environment is acceptable, while recognising the benefits of those activities. AND ADD a definition for "Residual Risk", as sought by the submitter in another submission point.</p>	<ul style="list-style-type: none"> The submitter opposes HZ-O1 in part and requests the Objective is amended to acknowledge the benefits of hazardous substances where residual risks arising from the use, storage or disposal of hazardous substances are acceptable. The submitter seeks a definition of 'Residual Risk' similar to that in the Whangarei District Plan.
229.6	Ravensdown Limited	HS-O1	Support	<p>RETAIN HS-O1 as notified.</p>	<ul style="list-style-type: none"> The submitter agrees that hazardous substances have the potential, if not appropriately controlled and managed, to pose a risk to people, property and the environment. The retention of this objective will enable it to be given consideration where a new activity or development that uses, stores or disposes of hazardous substances needs to seek a land use consent (as triggered by rules in other chapters of the Proposed District Plan).
287.34	Silver Fern Farms	HS-O1	Support	<p>RETAIN HS-O1 as notified. OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.</p>	<ul style="list-style-type: none"> Appropriate to provide flexibility to manage hazardous substance-related risks to an acceptable level.
308.36	Fire and Emergency New Zealand	HS-O1	Support	<p>RETAIN HS-O1 as notified.</p>	<ul style="list-style-type: none"> HS-O1 is supported as it recognises the benefits associated with the use, storage, disposal and transportation of hazardous substances, which includes emergency response activities. It also recognises that such activities are located, designed and managed so that the risk to people, property and the environment is acceptable.

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Summary of Submissions for the topic of: Hazardous Substances (in Provision order)

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311.24	Fuel Companies (BP, Mobil & Z Energy)	HS-O1	Support	RETAIN HS-O1 as notified. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> Support the objective.
140.23	Horticulture New Zealand	HS-O2	Support	RETAIN HS-O2 as notified. AND any consequential or alternative amendments required to address the concerns raised by the submitter.	<ul style="list-style-type: none"> The submitter supports the application of reverse sensitivity protections.
229.7	Ravensdown Limited	HS-O2	Support	RETAIN HS-O2 as notified.	<ul style="list-style-type: none"> Existing and established activities that use, store and dispose of hazardous substances, particularly where such activities are appropriately located, should not be constrained by new sensitive activities. Zone provisions should be in place to ensure that sensitive activities are managed to ensure that they do not give rise to reverse sensitivity effects on industrial activities in industrial zones. For this reason, specific rules in this chapter of the Proposed District Plan, in response to this objective, are not necessary.
287.35	Silver Fern Farms	HS-O2	Support	RETAIN HS-O2 as notified. OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.	<ul style="list-style-type: none"> Critical to protect established activities from new sensitive activities.
311.25	Fuel Companies (BP, Mobil & Z Energy)	HS-O2	Support	RETAIN HS-O2 as notified. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> Support the objective.
229.8	Ravensdown Limited	HS-P1	Amend	AMEND HS-P1 as follows: Hazardous facilities must minimise the risk to the environment (including people and property) by: 1. Siting new significant hazardous facilities in appropriate locations that are separated from incompatible activities, such as sensitive land use and infrastructure, and sensitive environments;	<ul style="list-style-type: none"> The policy is supported as it identifies appropriate measures around new and expanded hazardous facilities, and the disposal of hazardous wastes. It is appropriate that the policy is considered where a new activity or development using, storing or disposing of hazardous substances, needs to seek a land use consent (as triggered by rules in other chapters of the Proposed District Plan). However, given the submission's requested deletion of the definition of 'significant hazardous facilities' (see separate submission point), a consequential amendment to Clause (1) of this policy is required.
146.17	New Zealand Agricultural Aviation Association	HS-P1	Oppose	AMEND HS-P1 as follows: Hazardous facilities must minimise the risk to the environment (including people and property) by: Storage of hazardous substances: minimise the residual risk to the environment 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 hazardous facilities in a manner Managing hazardous substance storage facilities 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- substances using best practice and meeting regulatory standards. AND ADD a definition for "Residual Risk", as sought by the submitter in another submission point.	<ul style="list-style-type: none"> The focus should be on hazardous substances use, storage and disposal as opposed to hazardous facilities as defined.

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308.37	Fire and Emergency New Zealand	HS-P1	Support	RETAIN HS-P1 as notified.	<ul style="list-style-type: none"> HS-P1 is supported to the extent that it seeks that risks to the environment associated with hazardous facilities are minimised.
311.26	Fuel Companies (BP, Mobil & Z Energy)	HS-P1	Support	<p>AMEND HS-P1 as follows:</p> <p><u>Significant</u> hazardous facilities must minimise the risk to the environment (including people and property) by:</p> <ol style="list-style-type: none"> Siting new significant hazardous facilities in appropriate locations that are separated from incompatible activities, <u>such as including sensitive activities land use and infrastructure, and sensitive environments</u>; Designing, constructing and operating <u>significant</u> hazardous facilities in a manner <u>that avoids or adequately mitigates</u> ensures the adverse effects, <u>including risks, to people, property and the environment</u> of the operation or an accidental event involving hazardous substances <u>can be contained within the site</u>; and <p>Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place and avoiding the storage, processing or disposal of hazardous wastes in sensitive environments.</p>	<ul style="list-style-type: none"> Refer to detailed submission reasons provided for the deletion of the definition of “hazardous facility” and the amendment to the definition of “Significant Hazardous Facility” (SHF). Refer also to the submission reasons above on the hazardous substances chapter overview. Support the general intent of the policy but consider that it should be refocused on the risks associated with SHF. Support the general intent of clause 1 that a SHF is to be separated from incompatible activities, but are concerned that the phrase “sensitive land use and infrastructure, and sensitive environments” is ambiguous and could lead to situations where a SHF is unreasonably restricted in its location, problems with the phrase could be: “Sensitive land use” is an undefined term (cf. term “sensitive activities”); Reference to “infrastructure” it is unclear if this is intended to mean all infrastructure or “sensitive infrastructure”. The latter is undefined, but in either case, infrastructure is not a sensitive activity such that it would be incompatible with a SHF. Reference to “sensitive environments” is also undefined. It will not be possible, in most situations, to contain the adverse effects of an accidental event within the boundaries of a site. This will be the case for an incident at any facility whether or not hazardous substances are stored at the site. i.e. a fire at any commercial building will have the potential to generate off-site effects such as smoke, escalation of the event to nearby property and contaminated runoff. The relevant issue is that the risks associated with a SHF are appropriately managed taking into the nature of substances stored and the sensitivity of the surrounding environment.
287.36	Silver Fern Farms	HS-P2	Amend	<p>AMEND HS-P2 by replacing the reference to “facilities for the use, storage or disposal of hazardous substances in significant quantities” with reference to “<u>Significant Hazardous Facilities</u>”.</p> <p>OR</p> <p>Provisions or wording to similar effect.</p> <p>AND</p> <p>Any necessary and consequential amendments.</p> <p>AND</p> <p>All further relief necessary to give effect to the concerns raised in the submission.</p>	<ul style="list-style-type: none"> Policy appears to be targeted at prompting risk assessments for new Significant Hazardous Facilities but it does not expressly say so. Therefore, it is unclear if it applies to Significant Hazardous Facilities only or if it applies to both Significant Hazardous Facilities and Hazardous Facilities as defined in the Proposed District Plan. <u>This amendment will align with the definition of “Significant Hazardous Facilities” and rule HS-R1(2)</u>
146.18	New Zealand Agricultural Aviation Association	HS-P2	Oppose	<p>DELETE HS-P2 .</p> <p>AND</p> <p>ADD a new HS-P2 to read as follows:</p> <p><u>Ensure that significant hazardous facilities are appropriately site and managed in order to reduce risks to the environment and community to acceptable levels.</u></p>	<ul style="list-style-type: none"> The focus should be on significant hazardous facilities.
229.9	Ravensdown Limited	HS-P2	Oppose	DELETE HS-P2 in its entirety.	<ul style="list-style-type: none"> The submitter considers that this policy is unnecessary as it effectively duplicates the matters of consideration and management addressed at a national level by HSNO and HSW, and associated regulations. In this context, and given proposed HS-P1, this policy adds nothing additional to the matters of consideration for a hazardous substances land use consent.
311.27	Fuel Companies (BP, Mobil & Z Energy)	HS-P2	Oppose	<p>AMEND HS-P2 as follows:</p> <p>Ensure <u>Significant Hazardous Facilities for the use, storage or disposal of hazardous substances in significant quantities</u> identify and assess potential adverse effects (including cumulative risk and potential effects of identified</p>	<ul style="list-style-type: none"> Concern that the policy is vague and ambiguous, i.e. reference to “significant quantities” of hazardous substances and the point at which an identification and assessment of the risks are necessary. Should be refocused on the risks associated with significant hazardous facilities, similar to

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				<p>natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment.</p> <p>AND</p> <p>Any consequential or alternative relief required to achieve the same outcome.</p>	<p>submission for HS-P1, as well as the new definition submitted for significant hazardous facilities.</p> <ul style="list-style-type: none"> This approach is considered to be clearer without needing to rely on complex hazardous substances quantity thresholds set out in HS-S1. Hazardous substances quantity thresholds in HS-S1 appear likely to duplicate the controls that already apply to the storage and management of these substances under the Health & Safety at Work regulations. No justification has been provided to demonstrate the need for these matters to be controlled through the Proposed District Plan.
229.10	Ravensdown Limited	HS-P3	Amend	<p>AMEND HS-P3 as follows:</p> <p>Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully established significant hazardous facilities.</p>	<ul style="list-style-type: none"> The submitter supports the intent of this policy and also acknowledges that zone provisions should be in place to manage sensitive activities so they do not give rise to reverse sensitivity effects on industrial activities in industrial zones. However, given the requested deletion of the definition of 'significant hazardous facilities' (see separate submission point), a consequential amendment to this policy is required.
287.5	Silver Fern Farms	HS-P3	Amend	<p>AMEND HS-P3, as follows:</p> <p>Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully established hazardous facilities and significant hazardous facilities.</p> <p>OR</p> <p>Provisions or wording to similar effect.</p> <p>AND</p> <p>Any necessary and consequential amendments.</p> <p>AND</p> <p>All further relief necessary to give effect to the concerns raised in the submission.</p>	<ul style="list-style-type: none"> There is a discrepancy between the direction HS-O2 which can be read as seeking the protection of all "Hazardous Facilities" from reverse sensitivity effects and policy HS-P3 which can be read as applying only to "<i>Significant Hazardous Facilities</i>." The policy should not be limited only to Hazardous Facilities that qualify as "<i>Significant Hazardous Facilities</i>."
146.19	New Zealand Agricultural Aviation Association	HS-P3	Support	<p>RETAIN HS-P3 as notified.</p>	<ul style="list-style-type: none"> The submitter supports HS-P3 and the separation of sensitive land uses from lawfully established significant hazardous facilities.
311.28	Fuel Companies (BP, Mobil & Z Energy)	HS-P3	Support	<p>AMEDN HS-P3 as follows:</p> <p>Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully established significant hazardous facilities.</p> <p>AND</p> <p>Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> Support a policy that recognises the potential for reverse sensitivity effects in relation to lawfully established significant hazardous facilities and which supports the objective. A minor terminology change is required to match the definition for "sensitive activities".
309.52	Clarus	HS-R1	Amend	<p>AMEND the title of HS-R1 as follows:</p> <p>The Facilities for the use, storage or disposal of any hazardous substances where not addressed by another rule in this section.</p> <p>AND</p> <p>Any necessary consequential changes to the Proposed District Plan that are required to give effect to the submission.</p>	<ul style="list-style-type: none"> HS-R1 could unintentionally regulate matters that are already regulated elsewhere. Council should focus its regulation on the establishment of facilities which use, store or dispose of hazardous substances. This rule overlaps with other rules and this should be clarified.
146.20	New Zealand Agricultural Aviation Association	HS-R1	Oppose	<p>DELETE HS-R1.1.a.</p> <p>AND</p> <p>AMEND HS-R1.1.a as follows:</p> <p><u>a. The storage, use and disposal of hazardous substances not otherwise specified within the Hazardous substances chapter rules.</u></p>	<ul style="list-style-type: none"> The submitter opposes the inclusion of quantity tables and requests the deletion of HS-R1(1)(a) to avoid duplication of regulations. The submitter does not consider there is a need for additional district plan rules where other regulations are met.
229.11	Ravensdown Limited	HS-R1	Oppose	<p>AMEND HS-R1 as follows:</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>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.</p> <p><u>The storage, use and disposal of hazardous substances not otherwise specified within the 'Hazardous Substances' chapter rules.</u></p>	<ul style="list-style-type: none"> The Proposed District Plan regulatory framework for hazardous substances creates unnecessary confusion and regulatory overlap with HSNO and HSW, and associated regulations. It is considered that the zone provisions, in conjunction with consideration of the proposed Hazardous substances policy framework, ensure that activities that use and store hazardous substances are appropriately located, while compliance with relevant regulations ensures that

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					the risks associated with hazardous substances are controlled, managed and mitigated. Therefore, a permitted activity rule for these activities within all relevant zones is appropriate.
311.29	Fuel Companies (BP, Mobil & Z Energy)	HS-R1	Oppose	DELETE HS-R1. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> Rule is opposed in line with other submissions (311.27) as this duplicates the controls through the Health & Safety at Work regulations and the reasons for this duplication have not been justified through the Council's s32 analysis. The chapter should only seek to manage Significant Hazardous Facilities where there are potential risks beyond the boundaries of a site, and therefore, HS-R1 should be deleted.
287.37	Silver Fern Farms	HS-R1	Support	RETAIN HS-R1 as notified. OR Provisions or wording to similar effect. AND Any necessary and consequential amendments. AND All further relief necessary to give effect to the concerns raised in the submission.	<ul style="list-style-type: none"> Appropriate to provide a permitted allowance for hazardous substances. Also appropriate to provide for activities that exceed the specified thresholds as a restricted discretionary activity as the effects of an exceedance of permitted volumes can be subject to a confined assessment of risk.
287.6	Silver Fern Farms	HS-R1	Support	RETAIN HS-R1, particularly the activity statuses for "Hazardous Facilities" and "Significant Hazardous Facilities".	<ul style="list-style-type: none"> No reasons provided.
308.38	Fire and Emergency New Zealand	HS-R1	Support	RETAIN HS-R1 as notified subject to the amendments sought to HS-S1.	<ul style="list-style-type: none"> Rule is supported subject to relief sought to HS-S1 elsewhere in the submission.
140.24	Horticulture New Zealand	HS-R3	Amend	DELETE HS-R3.1.c. OR ADD the following text to HS-R3: <u>Fertilisers may be stored on-site provided they are contained in a secure, weatherproof structure or location that prevents leaching, runoff, or contamination of water bodies, and are managed in accordance with best practice environmental standards.</u> AND Any consequential or alternative amendments required to address the concerns raised by the submitter.	<ul style="list-style-type: none"> Fertiliser is bought in bulk and stored for use as required. To restrict this practice does not reflect standard rural practices and is inconsistent with industry-recognised good management standards.
146.21	New Zealand Agricultural Aviation Association	HS-R3	Oppose	DELETE HS-R3.	<ul style="list-style-type: none"> The on-farm storage of fertilisers is regulated under HSNO and HSWA, and other associated regulations. There is no requirement for this regulation to be duplicated within the district plan. Such duplication will only impose additional regulatory burdens and cause confusion. The submitter notes that the s32 report stated, "feedback also identified concerns about use and storage of fertilisers". However, the report does not analyse the actual risks of fertiliser being stored in farm fertiliser bins.
178.6	Mangawhai Estates Partnership	HS-R3	Oppose	No specific decision sought; however, the submission refers to HS-R3 and considers that multiple supervision of fertiliser in the General rural zone is a waste of money.	<ul style="list-style-type: none"> The HS-R3 rule referred to is justified in the Overview of Hazardous Substances as "the Plan has the supporting role of controlling the land use activities..." The category is limited to minor irritation. The farmer has record keeping obligations already imposed and supervised. Farmers producing food have controls from the Ministry exporter and customers, generally by Audit. Fertiliser is defined in the order and on the bag. Farmers are generally required to have a Growsafe certificate renewed regularly. There is neither time nor money for another inspector or inspection.
229.12	Ravensdown Limited	HS-R3	Oppose	DELETE HS-R3 in its entirety. AND If relief is not accepted, move HS-R2 to the General rural zone provisions and delete conditions (a) and (c).	<ul style="list-style-type: none"> This rule effectively relates to 'on-farm' storage of fertiliser products, which are regulated under the HSNO and HSW, and associated regulations. The rule unnecessarily duplicates regulatory requirements with no specific benefit for the environment (or reduction of adverse effects or risks).

Proposed Kaipara District Plan

Summary of Submissions for the topic of: Hazardous Substances (in Provision order)

Submission point No.	Submitter	Provision	Position	Summary of decision requested	Reasons
					<ul style="list-style-type: none"> If this rule were to be retained, the submitter considers that it should be placed in the rural zone provisions of the Proposed District Plan with conditions (a) and (c) deleted as the hazardous substance classifications are not needed (i.e., the rule would apply to the storage of fertiliser); and the time limit restriction is not relevant if the fertiliser is being stored safely and effectively.
146.22	New Zealand Agricultural Aviation Association	HS-R4	Oppose	DELETE HS-R4.	<ul style="list-style-type: none"> The use, storage and disposal of hazardous substances is already regulated under the HSNO and HSWA (and other associated regulations). HS-R4 is, therefore, considered unnecessary and likely to create confusion and regulatory overlap.
229.13	Ravensdown Limited	HS-R4	Oppose	DELETE HS-R4 in its entirety.	<ul style="list-style-type: none"> The use, storage and disposal of hazardous substances are regulated under the HSNO and HSW, and associated regulations, and the rule creates unnecessary confusion and regulatory overlap. The submitter has also requested amendments to HS-R1 (see separate submission point) which would permit the use, storage and disposal of all hazardous substances unless specified in the Proposed District Plan. This requested approach is a more logical means of permitting the use, storage and disposal of hazardous substances throughout the district.
311.30	Fuel Companies (BP, Mobil & Z Energy)	HS-R4	Oppose	DELETE HS-R4. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> As detailed in other submission points on the hazardous substances' provisions, the approach proposed to the management of hazardous substances as a whole is opposed.
311.31	Fuel Companies (BP, Mobil & Z Energy)	HS-R5	Oppose	DELETE HS-R5. AND ADD a new suite of rules for Significant Hazardous Facilities, subject to the zone or overlay in which it occurs. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> Refer to previous submissions on "hazardous facility" and the amendment to the definition on "Significant Hazardous Facility" (SHF). Refer also to 311.23. Within the hazardous substances chapter, service stations is the only hazardous substance activity that is specifically listed as needing a resource consent. In all other circumstances, hazardous substances exceeding the thresholds in HS-S1 fall under the generic restricted discretionary Rule HS-R1.2. All services stations would require a resource consent, as a controlled or restricted discretionary activity, subject to the volume of underground fuel stage in General Rural, Commercial and Industrial Zones, and a restricted discretionary activity in all other zones. Oppose the control of underground storage of fuel for retail sale within a service station, as not being risk based and the restrictive approach has not been justified through a robust section 32 analysis and the rule should be deleted. The approach in the hazardous substances chapter is inconsistent with the majority of other district plans (or proposed plans) across NZ. The petroleum industry is required to comply with Health and Safety at Work Act legislation and regulations, and these are considered to be sufficient to manage on and off-site risk for most hazardous storage and use activities, including the underground storage of fuel at service stations. It is not considered effective, efficient or appropriate to require resource consent for storage and use of these products which are already well controlled and are not known to generate issues that specifically require control under the Resource Management Act. Consider that the rule framework should apply specifically to SHF's, subject to the SHF definition being amended, as sought in other submissions. Any rules relating to SHF's to replace rule HS-R1, HS-R4 and HS-R5 may be similar to those in the Far North Proposed District Plan, including a permissive rule for the maintenance and repair of an existing SHF, or a new SHF in an industrial zone, and restrictive rule for SHF in other zones or overlays.

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Summary of Submissions for the topic of: Hazardous Substances (in Provision order)

Submission point No.	Submitter	Provision	Position	Summary of decision requested	Reasons
308.39	Fire and Emergency New Zealand	HS-S1	Amend	AMEND HS-S1, as follows: Notes when using the above table: ... <u>Z. The use, storage and disposal of hazardous substances at emergency services facilities and the use and storage during emergency services operations and response are exempt from the limits within HS-S1.</u> OR Amendments to similar effect.	<ul style="list-style-type: none"> The submission seeks an exception for all emergency service facilities as well as operational uses and responses. Fire and Emergency New Zealand stores firefighting foam concentrate at volumes which would exceed the volumes outlined in HS-S1 at fire stations and when resourcing large scale firefighting operations. This exception would mean that Fire and Emergency New Zealand would not need to seek resource consent for the storage and use of hazardous substances at emergency service facilities or at temporary storage locations during emergency operations - in the event of a spill or leak of these substances, Fire and Emergency New Zealand would act the lead agency for contaminant and clean-up of the substance involved.
310.21	Fonterra Limited	HS-S1	Amend	ADD a new "Exemption" to HS-S1, as follows: <u>Exemptions to HS-S1 Hazardous substances permitted activity thresholds:</u> <u>1. The storage and use of hazardous substances associated with the operation of the Maungatūroto Dairy Factory.</u>	<ul style="list-style-type: none"> A range of hazardous substances are stored and used at the Maungatūroto Site, in compliance with the Hazardous Substances and New Organisms Act 1996, Health and Safety at Work Act 2015, and Health and Safety at Work (Hazardous Substances) Regulations 2017. The Maungatūroto Site (located within the Heavy industrial zone) is entirely suitable for the storage and the storage and use of hazardous substances. Additional controls in the Kaipara District Plan are not required. Accordingly, Fonterra seeks that the Maungatūroto Site is exempt from compliance with the Hazardous Substances Activity Status Table. This approach would be consistent with Operative District Plan.
146.23	New Zealand Agricultural Aviation Association	HS-S1	Oppose	DELETE HS-S1.	<ul style="list-style-type: none"> The submitter opposes HS-S1 owing to the use, storage and disposal of hazardous substances being regulated under the HSNO and HSWA (including other associated regulations). Therefore, HS-S1 and associated Hazardous Substances Rules are unnecessary and will create confusion and regulatory overlap.
229.14	Ravensdown Limited	HS-S1	Oppose	DELETE HS-S1 in its entirety.	<ul style="list-style-type: none"> Controls on hazardous substances are implemented under the HSNO and HSW, and associated regulations. This standard, in conjunction with the notified rules, creates unnecessary regulatory duplication of hazardous facilities. The Hazardous Substances regulatory approach contained in the Proposed District Plan is out of step with the approach tending to be adopted in other new district plans (i.e., no or limited rules, but with objectives and policies to guide decision-making where an activity that uses, stores or disposes of hazardous substances requires a land use consent).
311.34	Fuel Companies (BP, Mobil & Z Energy)	HS-S1	Oppose	DELETE HS-S1. AND AMEND the definition of "Significant Hazardous Facility" as requested in other points of this submission. AND Any consequential or alternative relief required to achieve the same outcome.	<ul style="list-style-type: none"> Refer to reasons given in the submission points for the deletion of the definition on "Significant Hazardous Facility" (SHF), and the above provisions HS-P2, HS-R1 and HS-R5, the hazardous substances quantity thresholds in HS-S1 are opposed as they duplicate the controls through the Health & Safety at Work regulations. HS-S1 is essentially a rollover of the Operative District Plan, and the continuation of this approach has not been justified through the Council's section 32 analysis as the most efficient or effective way of controlling Hazardous Substances in the District. If the suggested definition of Significant Hazardous Facility and associated proposed rule framework is adopted, HS-S1 would no longer be necessary. The submitters proposed approach still achieves the intent sought by the Council but in a more efficient and effective way that appropriately manages risk associated with the establishment of SHF in the District.
146.15	New Zealand Agricultural	Overview	Amend	DELETE the final paragraph (paragraph six) of the Hazardous Substances Overview.	<ul style="list-style-type: none"> The submitter supports Hazardous Substance provisions that do not duplicate HSNO and HSWA

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Summary of Submissions for the topic of: Hazardous Substances (in Provision order)

Submission point No.	Submitter	Provision	Position	Summary of decision requested	Reasons
	Aviation Association			<p>AND</p> <p>AMEND the Overview of Hazardous Substances chapter by replacing the final paragraph with the following: <u>Because the District Plan seeks to avoid duplication of requirements that arise under other legislation and regulations the provisions of this chapter are designed to manage the effects of use, storage or disposal of hazardous substances, only to the extent that those effects are not within the scope of existing legislation and regulation, such as residual risk and reverse sensitivity.</u></p>	<p>regulations (inferred). The proposed approach includes provisions which duplicate such regulations and the submitter opposes this approach. It is noted that other recent district plans, including the Waikato District Plan, proposed a similar approach but this was significantly modified by submissions to ensure there was no duplication of existing regulations. For example, Whangarei District Council has amended its hazardous substances provisions to reflect there being other relevant regulations (inferred). The submitter considers that Whangarei is more similar to Kaipara than Auckland - to which the s32 Report refers. It is submitted that Auckland provisions are outdated and do not reflect best practice for managing hazardous substances under the Resource Management Act. As such, the Proposed District Plan should be amended to achieve an approach consistent with hazardous substance regulations and legislation.</p>
311.23	Fuel Companies (BP, Mobil & Z Energy)	Overview	Oppose	<p>AMEND the Overview of the Hazardous Substances chapter, including deletion of the 4th and 6th paragraphs as follows: ... Hazardous Substances are regulated under the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015 (HSWA). The district plan has the supporting role of controlling the land use activities including man-made hazards of a chemical nature <u>provided these do not duplicate controls in HSNO, HSWA or other legislation.</u> Land use activities <u>controls</u> 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 <u>may be necessary to manage the risks associated with Significant Hazardous Facilities and their potential impacts on other sensitive activities, incompatible land uses and the environment.</u>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 <u>Significant Hazardous Facilities</u> in relation to sensitive activities (i.e. residential activities, schools, places of assembly) and sensitive environments (i.e. wetlands, waterways), <u>areas of identified the risks of</u> natural hazards and cumulative effects where multiple hazardous facilities are located within proximity to each other. <u>It also seeks to minimise reverse sensitivity effects on Significant Hazardous Facilities.</u> Hazardous substances stored or used in identified natural hazards areas are separately addressed in the Natural Hazards chapter. <u>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.</u> AND Any consequential or alternative relief required to achieve the same outcome.</p>	<ul style="list-style-type: none"> Refer to detailed submission reasons provided for the deletion of the definition on "hazardous facility" and the amendment to the definition on "Significant Hazardous Facility" (SHF). The Resource Legislation Amendment Act 2017 (RLAA) removed the explicit function of district and regional councils to control the adverse effects of the storage, use, disposal or transportation of hazardous substances under sections 30 and 31 of the Resource Management Act. the chapter overview needs to better reflect the functions of Council under the Resource Management Act and the need to avoid duplication of controls under the HSNO and HSWA legislation, and to refocus the chapter towards controlling the risks associated with significant hazardous facilities. These matters are reflected in the changes/deletions to the 1st and 2nd paragraphs. The 3rd and 4th paragraph both deal with the risks associated with hazardous substances. The amendments are necessary as the objectives, policies and rules of the chapter are not specific to the location of the activity and to reflect the submitters proposed shift in focus to significant hazardous facilities and address reverse sensitivity effects.