

**BEFORE THE HEARING COMMISSIONER
AT WHANGAREI**

IN THE MATTER of the Resource Management Act 1991 (“**the Act**”)

AND

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Plan Change 91 to the Whangarei District Plan

**STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
2 MARCH 2023**

1. SUMMARY STATEMENT

1.1 In this evidence I address the submissions and further submissions that Horticulture New Zealand made on Proposed Plan Change 91 Hazardous Substances to the Whangarei District Plan.

1.2 I address:

- (a) The policy framework for hazardous substances in legislation and regulations;
- (b) The proposed provisions in PC91;
- (c) Changes I seek to the proposed provisions in PC91.

1.3 Changes I seek in this evidence are:

- (a) Accept recommended change to the Issue as set out in the s42A Report Para 50
- (b) Amend HSUB-O2: *Sensitive activities are appropriately located to avoid reverse sensitivity effects and unacceptable residual risk from established activities which use, store or dispose of hazardous substances.*
- (c) Amend HSUB-P2: *To ensure that activities which use, store or dispose of hazardous substances manage residual risk to people and communities by avoiding such risk or where avoidance is not practicable, remedied or mitigated to an acceptable level.*
- (d) Amend HSUB-P3: *To ensure activities which use, store or dispose of hazardous substances which are located within sensitive environments and areas manage the residual risk to people, property and the environment by avoiding such risk, or where avoidance is not practicable, remedied or mitigate to an acceptable level.*
- (e) Accept recommendation in the s42A Report to include a definition for residual risk: *Means in relation to hazardous substances, any risk of an adverse effect that remains after other industry controls and legislation and regional planning instruments have been complied with.*

2. QUALIFICATIONS AND EXPERIENCE

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

- 2.2 I am an accredited commissioner under the Making Good Decisions programme with Ministry for the Environment.
- 2.3 I have been a consultant with The AgriBusiness Group since 2002. The Agribusiness Group was established in 2001 to help build business capability in the primary sector.
- 2.4 I have spent over 20 years as a consultant, primarily to the agricultural industry and rural sector, specialising in resource management, environmental issues, and environmental education and facilitation, including 20 years of providing advice to Horticulture New Zealand (“**HortNZ**”) and its precursor organisations NZ Vegetable and Potato Growers Federation, NZ Fruitgrowers Federation.
- 2.5 I have been involved in a number of plans and plan changes that have considered provisions for hazardous substances including Christchurch Replacement District Plan, Hastings District Plan, Waikato District Plan and Selwyn District Plan.
- 2.6 I have been involved as a consultant to HortNZ on Proposed PC91, contributing to the submission and further submissions.
- 2.7 I have read the Environment Court’s Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3. SCOPE OF EVIDENCE

- 3.1 This evidence provides a planning assessment of those provisions on which HortNZ submitted and further submitted and addresses the Section 42A report prepared by the Council.
- 3.2 In undertaking this assessment I have referred to:
- a) The s32 Report by Whangarei District Council for PC91
 - b) The s42A Report prepared by Taya Baxter for Whangarei District for PC91 dated 16 February 2023.
- 3.3 I will address submission points in the same order as the s42A Report.
- 3.4 Given submissions by Nga Tai Ora Public Health seeking additional provisions and rules in PC91 I have set out my understanding of the

current legislative and regulatory framework and the extent to which additional provisions are necessary in PC91.

- 3.5 In undertaking this assessment I have been cognisant of the Decision on Hazardous Substances in the Christchurch Replacement District Plan¹ which is relevant in the context of PC91.

4. MY UNDERSTANDING OF HORTNZ'S SUBMISSION

- 4.1 My understanding of the HortNZ submission is that it is generally supportive of the approach in Proposed PC91 and only seek minor changes to the notified provisions.
- 4.2 HortNZ is supportive of reducing duplication in regulations given that growers are already meeting requirements for hazardous substances under HSNO and HSWA.
- 4.3 Horticulture growers use fertilisers, agrichemicals and fuels so are aware of regulations regarding the use of these substances. They seek provisions in district plans that are practical and do not duplicate regulatory requirements.
- 4.4 As a result, HortNZ has been involved in a number of plan processes across New Zealand regarding hazardous substances over a number of years, but mainly in areas where horticultural activities are undertaken.

5. LEGISLATIVE AND REGULATORY FRAMEWORK FOR HAZARDOUS SUBSTANCES

- 5.1 There are a range of legislative and regulatory requirements that determine how hazardous substances are managed. These include:
- (a) Hazardous Substances and New Organisms Act 1996 and associated regulations (HSNO)
 - (b) Health and Safety at Work Act 2015 and associated Hazardous Substances regulations (HSW)
 - (c) Resource Management Act 1991 (RMA)
- 5.2 The three pieces of legislation interface with similar purposes which can lead to duplication in responsibility and lack of clarity of the role of the respective Acts.

¹ <https://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-18-Hazardous-Substances-and-Contaminated-Land-and-relevant-definitions-1-and-2.pdf>

Hazardous Substances and New Organisms Act 1996 (HSNO)

- 5.3 The HSNO Act is the primary legislation for managing hazardous substances.
- 5.4 The Hazardous Substances and New Organisms Act seeks to manage hazardous substances through assessing and classifying hazardous substances and placing controls according to the degree of hazard to ensure that the purpose of the Act is met:

The purpose of this Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms.
- 5.5 The controls that may be applied are wide ranging and include disposal, documentation, emergency management, emergency response plans, location test certificates, certified handlers and competency, packaging, labelling, secondary containment, tracking and signage.
- 5.6 Tolerable Exposure Limits (TEL) and Environmental Exposure Limits (EEL) are set to protect human health and the environment.
- 5.7 In addition, there is a requirement that hazardous substances must be used in such a way as to minimise environmental effects.
- 5.8 Some of the controls relate to site and locational requirements such as signage and separation distances; others relate to buildings such as design and construction of buildings and location test certificates. Emergency management controls are also imposed, such as secondary containment and emergency response plans.
- 5.9 Through these controls the HSNO regime seeks to protect people, property and the environment irrespective of the location.

Health and Safety at Work Act 2015 (HSW)

- 5.10 Management of hazardous substances in the workplace was moved from HSNO to HSW as a result of the Royal Commission into Pike River which sought stronger alignment of workplace health and safety.
- 5.11 The purpose of the HSW Act is to 'provide for a balanced framework to secure the health and safety of workers and workplaces' through a range of mechanisms.
- 5.12 HSNO controls for Class 1-8 substances were transferred to new HSW regulations along with additional controls.
- 5.13 However, HSNO still retains functions for hazardous substances outside the workplace and for Class 9 Ecotoxic substances.

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

Hazardous Substances (Hazardous Property Controls) Notices 2017

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

- 5.16 The Hazardous Property Control Notice address Class 9 Ecotoxic substances and hazardous substances used outside of a workplace.

- 5.17 The objective of the notice is to:

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

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

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

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

- 5.21 In addition there is consideration, where appropriate, of buffer zones, sensitive uses and sensitive habitats.

- 5.22 Many of these matters are land use controls.

- 5.23 In my opinion the controls in the notice which are applied outside of the workplace assist in addressing the risk to people and the environment are part of the regulatory framework for managing hazardous substances.

Resource Management Act 1991 (RMA)

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

- 5.25 This explicit requirement was repealed in the Resource Legislation Amendment Act 2017, (RLAA) to ensure that councils only place

additional controls on hazardous substances if they are necessary to control effects under the RMA that are not covered by HSNO or HSW.

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

6. RELATIONSHIP BETWEEN HSNO AND THE RMA

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

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

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

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

- 6.4 Section 142 of HSNO sets out the relationship to other Acts and includes:

2) Every person exercising a power or function under the Resource Management Act 1991 relating to the storage, use, disposal or transportation of any hazardous substance shall comply with the provisions of this Act and with regulations and notices of transfer made under this Act.

3) Nothing in subsection (2) shall prevent any person lawfully imposing more stringent requirements on the storage, use, disposal or transportation of any hazardous substance than may be required by or under this Act where such requirements are considered necessary by that person for the purposes of the Resource Management Act 1991.

- 6.5 Therefore, if additional, more stringent requirements than HSNO are to be included in the district plan they need to be 'considered necessary' for the purposes of the RMA.

- 6.6 The decision in the Christchurch Replacement Plan considered the relationship between the RMA and HSNO adopted a definition of 'necessary' from the Concise Oxford Dictionary:

Indispensable, requisite, (to or for person etc; it is n. that, to do) requiring to, that must, be done; determined by predestination or natural laws, not be free will, happening or existing by necessity, (of

concept or mental process) inevitably resulting from nature of things or the mind, inevitably productive by previous state of things; (of agent) having no independent volition.

- 6.7 Therefore additional or more stringent requirements should only be imposed where considered necessary – i.e. indispensable.
- 6.8 The Christchurch decision then referred to Quality Planning guidance² (Para 28) which states:
- Inclusion of hazardous substance controls in plans should be the exception rather than the rule, and included only when a rigorous section 32 analysis shows that these controls are justified.*
- 6.9 I concur with the decision as to importance of a robust s32 to determine if additional controls are ‘necessary’.
- 6.10 I am unaware of any s32 analysis for PC91 which deems it ‘necessary’ to require additional provisions over and above HSNO.
- 6.11 This point is particularly relevant to the submission of Nga Tai Ora Public Health Northland (Public Health) which has sought a range of provisions to be included in PC91 that would either duplicate or be more stringent than HSNO, but has not demonstrated that they are ‘necessary’ for the purposes of the RMA.
- 6.12 Given the legislative and regulatory framework within which PC91 sits I do not support additional rules within PC91.

7. SECTION 42A REPORT SECTIONS

A - Proposed Plan Change

- 7.1 This section of the report considers submissions made on the overall plan change.
- 7.2 HortNZ made further submissions supporting The Fuel Companies (6/7) and supporting in part Northpower (3/1) and also opposing Nga Tai Ora Public Health Northland (Public Health) (5/1) which opposed the proposed plan change as notified as being inappropriate and seeks inclusion of rules for managing, storing, using or disposing of hazardous substances.
- 7.3 The s42A Report recommends that the submissions of Northpower and the Fuel Companies are accepted and that the submission of Public Health be rejected.
- 7.4 The s42A Report (44-46) addresses the issues raised by Public Health and how the existing legislation and zone based approach

² Quality Planning Guidance ‘Managing Hazardous Substances

with a focus on sensitive activities will ensure acceptable levels of risk of off-site adverse effects and preventing sensitive or incompatible activities establishing near hazardous facilities.

- 7.5 The Public Health submission seeks that PC91 should be consistent with the draft Kaipara District Plan and the proposed Far North District Plan and seeks changes to align with the draft Kaipara District Plan.
- 7.6 The draft Kaipara District Plan is not a statutory document and the approach has not been tested through submissions, hearings and appeals. Further, it is not consistent with other recent plans addressing hazardous substances that have been tested through statutory processes, such as the Christchurch Replacement Plan process which was determined by an Independent Hearing Panel chaired by a High Court Judge.
- 7.7 The Christchurch decision³ sought to ensure that there was no duplication with legislation managing hazardous substances and that the areas of council concern and control were limited to residual effects. In particular, it determined to not include rules based on thresholds and limits for the storage of hazardous substances, but to rely on zonings and overlays where necessary.
- 7.8 The Proposed PC91 is consistent with recent plan changes, such as Christchurch, and I support the intent of that approach.
- 7.9 Therefore, I concur with the s42A Report and support the recommendation to reject submission 5/1.

B - Issues section

- 7.10 HortNZ made a further submission supporting the Fuel Companies (6/1) which sought to amend the issue to better reflect the need to avoid unnecessary duplication.
- 7.11 The s42A Report accepts the submission point and recommends that the Issue is amended as set out in Para 50.
- 7.12 I concur with that recommendations and support the recommended wording as it provides greater clarity about the approach to managing hazardous substances in the district.

C - HSUB-01

³ <https://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-18-Hazardous-Substances-and-Contaminated-Land-and-relevant-definitions-1-and-2.pdf>

- 7.13 HortNZ made a submission supporting HSUB-O1 and further submissions supporting Channel Infrastructure (2/1) and the Fuel Companies (6/2) and opposing Public Health (5/2).
- 7.14 HSUB-O1 as notified is:
- Property and the environment are protected from any unacceptable levels of residual risk associated with the location of facilities that use, store and dispose of hazardous substances.*
- 7.15 HortNZ supported the focus on residual risk and sought that a definition for residual risk be included for clarity. The definition is recommended to be include later in the s42A Report.
- 7.16 Generally I am reluctant to support objectives which seek 'protection' but in this instance it is limited to 'protection from any unacceptable levels of residual risk' so is specific and targeted. I consider this to be an appropriate approach.
- 7.17 The s42A Report recommends that the objective be amended partly sought as by Public Health to include the 'health and safety of people' to be more consistent with s5 of the RMA, but does not recommend other changes sought by Public Health.
- 7.18 I concur with that recommendation as it retains the focus on residual risk.

D - HSUB-O2

- 7.19 HortNZ made a submission (4/2) supporting HSUB-O2 and further submissions supporting Channel Infrastructure (2/2) and supporting in part the Fuel Companies (6/2).
- 7.20 HSUB-O2 relates to sensitive activities and reverse sensitivity:
- Sensitive activities do not unduly compromise existing areas and activities which use, store or dispose of hazardous substances.*
- 7.21 The Fuel Companies sought that the words 'unduly compromised' be amended as they are ambiguous and open to interpretation and that the focus should be on directing avoidance of reverse sensitivity effects and unacceptable residual risk.
- 7.22 The s42A Report writer (66) consider that in the context of the objective 'unduly compromise' means that sensitive activities will be unable to establish in areas where hazardous activities are located where there is the potential to constrain operation of lawfully established hazardous facility.
- 7.23 If the intention is that such activities do not establish near existing activities then the wording sought by the Fuel Companies is clearer

in the outcome that the objective seeks – that sensitive activities don't compromise existing activities.

- 7.24 The addition of the word 'unduly' introduces a degree of discretion as to the extent that an activity may be compromised.
- 7.25 The objective is entitled 'reverse sensitivity' but does not explicitly refer to it in the objective.
- 7.26 In addition, the Fuel Companies submission seeks to ensure that location of sensitive activities is also included in the objective as part of managing residual risks.
- 7.27 In my opinion, an objective for sensitive activities should have two components:
- (a) The location of sensitive activities to manage incompatibilities and risk
 - (b) The need to ensure that reverse sensitivity effects do not occur.
- 7.28 Part of protecting sensitive activities from residual risk is ensuring that they are appropriately located and this should be recognised in the objective.
- 7.29 By managing such locations the potential for reverse sensitivity is also addressed.
- 7.30 The wording sought by the Fuel Companies seeks to better captures these two components and is more directive in intent:
- Sensitive activities are appropriately located to avoid reverse sensitivity effects and unacceptable residual risk from established activities which use, store or dispose of hazardous substances.*
- 7.31 HSUB-O2 is implemented in HSUB-P4 which seeks to 'avoid reverse sensitivity effects by requiring sensitive activities to be appropriately designed and located in relation to existing activities which use, store or dispose of hazardous substances.'
- 7.32 An objective with direction to avoid reverse sensitivity effects and ensures appropriate location of sensitive activities provides the policy framework for HSUB-P4. Such direction is not provided in the notified objective which only seeks to 'not unduly compromise' existing areas and activities.
- 7.33 The HortNZ further submission on 6/2 suggested an alternative to the wording sought by the Fuel Companies which incorporated the essence of the submission:

Sensitive activities are appropriately located to avoid unacceptable residual risk from established activities and reverse sensitivity effects do not unduly compromise existing areas and activities which use, store or dispose of hazardous substances:

- 7.34 However I consider that the wording sought by the Fuel Companies is clearer and more directive as to the outcome sought.
- 7.35 I consider that HSUB-O2 could be better renamed 'Sensitive activities' and reworded to ensure that the outcomes for both location and reverse sensitivity are addressed.

E - HSUB-P1

- 7.36 HSUB-P1 is a policy regarding managing residual risk and recognises the role of national and regional organisations in managing hazardous substances and avoiding duplication or regulation.
- 7.37 HortNZ made a submission (4/3) supporting HSUB-P1 as it seeks to avoid duplication of regulation.
- 7.38 HortNZ also made further submissions supporting Channel Infrastructure (2/1) and the Fuel Companies (6/3) and opposing Public Health (5/2).
- 7.39 Public Health are concerned about the focus on residual risk and not the overall risk of hazardous substances.
- 7.40 This matter has been previously addressed in the s42A Report and this evidence in respect of the approach to managing hazardous substances and the extent of the council's role while avoiding duplication with other hazardous substances legislation and regulations.
- 7.41 I support the direction in PC91 which seeks to avoid duplication and therefore focus on residual risks. This is supported by the recommendation to include a definition of residual risk as sought in the submission of HortNZ.

F - HSUB-P2

- 7.42 HSUB-P2 relates to people and communities to ensure that activities which use, store or dispose of hazardous substances are not located in areas where they may adversely affect the health, safety and wellbeing of communities unless residual risk is avoided, or remedied or mitigated to an acceptable level.
- 7.43 HortNZ made a submission (4/4) seeking that the focus is on adverse effect from residual risk, rather than residual risk per se.

To ensure that activities which use, store or dispose of hazardous substances manage residual risk to people and communities by avoiding such risk or where avoidance is not practicable, remedied or mitigated to an acceptable level.

- 7.44 HortNZ made further submissions opposing Public Health (5/2) and supporting in part the Fuel Companies (6/4).
- 7.45 In response to the HortNZ submission the s42A Report considers it is unclear what the amendments seek to achieve (79) and recommends that the submission point be rejected.
- 7.46 As notified the policy limits the location of where hazardous substances are used, stored or disposed of unless residual risk is avoided.
- 7.47 The change sought by HortNZ seeks to focus on managing residual risk – regardless of where the hazardous substances are located.
- 7.48 This is important from a rural perspective that growers are located in areas where there are people located so they manage the residual risks. It should be clear that they can appropriately locate where there is potential for adverse effects as long as residual risks are managed and avoided, remedied or mitigated.
- 7.49 As notified there is a broad implication that there may be areas where hazardous substances are not appropriate.
- 7.50 Therefore I support the clarity through the changes sought by HortNZ.

G - HSUB-P3

- 7.51 Policy HSUB-P3 provides for sensitive environments and areas:
- To ensure activities which use, store or dispose of hazardous substances are not located within sensitive environments and areas, unless it can be demonstrated that the residual risk to people, property and the environment will be avoided, or where avoidance is not practicable, remedied or mitigate to an acceptable level.*
- 7.52 HortNZ made a submission (4/5) seeking changes to the policy.
- 7.53 HortNZ also made a further submission supporting in part the Fuel Companies (6/5) and opposing Public Health (5/2).
- 7.54 The application of HSUB-P3 is contingent on the definition of sensitive environments and areas, with a new definition proposed in PC91.

- 7.55 The definition includes a suite of areas. Of particular interest to HortNZ is inclusion of Outstanding Natural Features as there is considerable horticulture located at Whatatiri which is identified as an outstanding natural feature as a shield volcano, but there is considerable horticulture that is undertaken in that location.
- 7.56 Therefore HortNZ seeks to ensure that there will not be limitations on growers in that area because of the definition and policy regarding sensitive environments and areas.
- 7.57 The presumption of the policy is that hazardous substances wouldn't be located within sensitive environments or areas. There is provision for where residual risk is avoided or mitigated to an acceptable level.
- 7.58 The change sought by HortNZ seeks to make it clear that hazardous substances could be located within sensitive environments area areas where residual risk is managed.
- 7.59 While the change may seem to result in a similar outcome the basic premise of the policy is amended which is important in terms of ensuring that location of hazardous substances within sensitive environments and areas is appropriate in some circumstances.
- 7.60 The proposed change would state that if hazardous substances are 'located within' sensitive environments and areas they need to be managed to meet the appropriate thresholds.
- 7.61 I consider that this to be a clearer approach than stating hazardous substances 'are not located within' and then providing circumstances where it would be appropriate.
- 7.62 Therefore I support the amendment as sought by HortNZ:
- 7.63 *To ensure activities which use, store or dispose of hazardous substances which are located ~~are not located~~ within sensitive environments and areas manage, ~~unless it can be demonstrated that the residual risk to people, property and the environment by avoiding such risk will be avoided~~, or where avoidance is not practicable, remedied or mitigate to an acceptable level.*

H - HSUB-P4

- 7.64 HSUB-P4 relates to reverse sensitivity.
- 7.65 HortNZ made further submissions supporting Channel Infrastructure (2/2), the Fuel Companies (6/6) and opposing Public Health (5/2).
- 7.66 The s42A Report is recommending that the policy be retained as notified and I concur with that recommendation.

- 7.67 This policy is important to implement HSUB-O2 and the changes I seek to the objective provide better direction and clarity for HSUB-P4.

I - Definitions

- 7.68 HortNZ submission (4/1) seeks a definition of residual risk so it is clear how the term would be applied.

- 7.69 The definition sought was taken from the Proposed Far North District Plan which is at proposed stage:

Means in relation to hazardous substances, any risk of an adverse effect that remains after other industry controls and legislation and regional planning instruments have been complied with.

- 7.70 The s42A Report recommends that a definition for residual risk be included, but that it only apply to the Hazardous Substances chapter of the district plan.

- 7.71 I consider that that such a limitation is appropriate as a definition should not apply to other provisions in the District Plan for which it is not intended.

J - Consequential amendments

- 7.72 HortNZ (4/6) supported the consequential amendments as notified.

- 7.73 These amendments include deleting operative provisions for hazardous substances, including definitions and reference documents.

- 7.74 The s42A Report recommends that the submission be accepted and I concur with that recommendation.

J – Other decisions requested

- 7.75 Section J of the s42A Report addresses a submission by Public Health (5/3) to include new policy and accompanying rules, particularly relating to natural hazard risks.

- 7.76 HortNZ opposed this submission and the reasons have been set out in this evidence.

- 7.77 The s42a Report recommends that Submission 5/3 be rejected and I concur with that recommendation.

8. CONCLUSION

- 8.1 I support provisions for hazardous substances as follows:

- (a) Objectives, policies that establish the framework for hazardous substances
 - (b) Reliance on the provisions and controls in HSNO and associated regulations and HSWA for managing use storage and disposal of hazardous substance.
 - (c) If, in the future, specific issues for Whangarei district are identified that are not managed by HSNO and HSWA then specific provisions could be added if justified as necessary through a robust s32 analysis.
- 8.2 In my opinion such an approach is efficient and effective in achieving the objective to protect people, property and the environment and give effect to s5 of the RMA.
- 8.3 The changes I have sought through this evidence will assist in achieving the objectives of the Plan.

Lynette Wharfe

2 March 2023