

***Proposed Plan Change 91
Hazardous Substances***

Report and Recommendations of Independent Commissioner

Dr Lee Beattie

21 June 2023

Hearing Panel	Dr Lee Beattie
Notification date	24 August 2022
Closing date for submissions	21 September 2022
Notification for further submissions	12 October 2022
Closing date for further submissions	14 November 2022
Hearing	9 March 2023
Hearing closed	21 June 2023
Appearances:	<p><u>Council</u></p> <ul style="list-style-type: none"> • Ms. Taya Lauren Baxter (Planner) • Mr. Robert Burgoyne (Kaiārahi Pūkenga - Planner) <p><u>Ngā Tai Ora – Public Health Northland (Ngā Tai Ora)</u></p> <ul style="list-style-type: none"> • Mr. David Badham (Planner) • Mr. Jeffery Garnham (Health Protection Officer) <p><u>BP Oil NZ LTD, Mobil Oil NZ LTD & Z Energy LTD (The Fuel Companies)</u></p> <ul style="list-style-type: none"> • Ms. Sarah Westoby (Planner) <p><u>Channel Infrastructure NZ LTD (Channel NZ)</u></p> <ul style="list-style-type: none"> • Ms. Ebony Ellis (Counsel), noting she joined via Teams <p><u>Horticulture NZ (Horticulture NZ)</u></p> <ul style="list-style-type: none"> • Ms. Lynette Wharfe (Planner), noting she joined via Teams.
Hearings advisors	<ul style="list-style-type: none"> • Ms. Ashley Middleton (Support Assistant)
Recommendation	<p>Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991, Plan Change 91 is recommended to be <u>Approved as proposed, with minor amendments.</u></p> <p>The full recommendation is set out below.</p>

INTRODUCTION TO THE PLAN CHANGE & RELEVANT STATUTORY PROVISIONS

1. Whangārei District Council (the Council) delegated to Dr Lee Beattie (Independent Commissioner) the responsibility to hear and make a recommendation on Plan Change 91: Hazardous Substances (PC 91) to the Whangārei District Plan (District Plan). Dr Lee Beattie declared that he did not have any perceived, actual, or potential conflicts of interest in considering this plan change.
2. PC 91 is a Council-initiated plan change that has been prepared following the standard First Schedule process under the Resource Management Act 1991 (RMA). This Plan Change forms part of the Council's on-going rolling review of its District Plan under s.79 of the RMA.
3. The plan change was publicly notified on 24 August 2022, with submissions closing on 21 September 2022. Further submissions closed on 14 November 2022, with six original submissions and four further submissions received. A summary of these submissions are set out in Appendix 5 to Ms. Baxter's s.42A report, with a summary of their outcomes sought also set out at Appendix 4. All the further submissions were from parties who made an original submission. There were no late submissions to consider.
4. A hearing was held in Whangārei on 9 March 2023, with two parties joining online via MS Teams. I would like to thank all the parties for the professional and courteous way that the hearing was undertaken, and the support given by Ms. Middleton.
5. PC 91 is set out in detail in Ms. Baxter's s.42A report, which was supported by her s.32 evaluation for the plan change.
6. In essence, the rationale for PC 91 arose through the Council needing to give effect to the 2017 RMA amendments which removed the explicit requirement for local authorities to control the adverse effects of the storage, use, disposal, and transportation of hazardous substances as part of district plan process. The district plan should only manage the control of hazardous substances where the risks and adverse effects from the management of hazardous substances are not adequately addressed by other legislation, including the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015 (HSW).
7. As a result, PC 91 seeks to amend the district plan's Hazardous Substances chapter and introduce a range of objectives and policies at the district wide level that would apply throughout the district plan. These district wide objectives and policies would manage:
 - Residual risks to people, property, and the environment associated with the use, storage, or disposal of hazardous substances within or adjacent to a sensitive receiving environment; and
 - Reverse sensitivity risk to activities that use, store, or dispose of hazardous substances, after other industry controls and legislation have been complied with, and where consent is required based on other district-wide and area specific chapter rules.

8. The RMA sets out the requirements for the formulation of plans and changes to them. Section 2 of Ms. Baxter's s.42A report and the s.32 assessment, that formed part of the hearing report, sets out the statutory context for the consideration of the plan change. I have adopted that analysis and will not repeat it again in detail, as the plan change is very much focused on this discrete issue, including the analysis of the relevant NPS, NES and RPS provisions.
9. Clause 10 of Schedule 1 of the RMA requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with s.32AA. Regarding s.32AA, I note that the submissions and evidence presented by the Council, as well as our evaluation set out in this decision, represents this assessment, and that material should be read in conjunction with this decision, and where I have determined that minor amendments are required to PC 91 as notified. These are considered throughout the decision below.

SUMMARY OF EVIDENCE

10. The hearing evidence in this case includes the notified plan change, the accompanying s.32 evaluation and supporting documentation, Ms. Baxter's s.42A report, the submissions received, and the presentations and evidence presented and tabled at the hearing by the Council's planners, submitters, the further information requested from the Council officers and answers to my questions. This information is all part of the public record and is not repeated. This material was taken as read.

To reduce repetition, I have concentrated on matters relating to the areas of contention between the parties as all the information/evidence/submissions are available on the Council's website using the reference Plan Change number 91.

Council Officers

11. As set out above, I had the benefit of Ms. Baxter's s.42A report. I found this very helpful and covered all the relevant matters in contention, including addressing the submissions and suggested changes she recommended to PC 91 as notified. Her report covered how PC 91 would give effect to the 2017 RMA amendments, RPS (Northland) and be in line with the other relevant sections of the district plan. It also critically set out how she had consulted with relevant Iwi authorities and considered the relevant Iwi and Hapū management plans as part of this plan change process.
12. She then went through the individual submissions and set out the changes she recommended in light of these submissions, with the appropriate rationale for her thinking surrounding the proposed changes and why they should either be accepted or rejected. She then answered my questions surrounding these proposed changes.

Submitters

13. **Mr. David Badham** (Planner) for Ngā Tai Ora spoke to his evidence in chief, which was taken as read and covered the issues set out in their submission and further submission.

While he was supportive of the objectives and policies set out in Ms. Baxter's s.42A report, subject to some minor changes, his major concern was the lack of proposed rules within PC 91 to give effect to its objectives and policies to appropriately address the impacts hazardous substances could have in the district. In particular, he was of the view that rules should be developed within the appropriate zones to address the key gaps as he saw it in PC 91 and which were not covered by HSNO and HSW provisions, including:

- The management of incompatible activities within and between zones;
- Avoidance of reverse sensitivity effects; and
- The management of hazardous substances within "sensitive environments and areas".

14. As a result, he did not support the approach set out in PC91, which in essence, while setting up a range of district wide objectives and policies to address the impacts of hazardous substances, relies on the underlying zoning provisions (resource consent application) to give effect to the PC 91 objectives and policies. This, in Mr. Badham's view would lead to unacceptable risk on sensitive activities and not achieve appropriate public health outcomes for the district.
15. As I will consider further below, this became one of the major areas in contention between the parties. That is, was there a need to have specific zoned based rules (the rules-based approach) to give effects to the objectives and policies set out in PC 91, or not, and could the underlying existing district plan zoning provisions, as suggested by the Council officers be the most appropriate way to give effect to these policy outcomes, taking Part 2 of the RMA into consideration.
16. He then walked me through a number of the district plan's zone provisions, with examples of how, in his view, the adverse impacts of hazardous substances were not appropriately addressed by the underlying zoning provisions, including for a number of sensitive activities (at 8.9 to 8.16 of his evidence), between zones (at 8.17 to 8.20) and how some zones were missed from the s.32 evaluation (at 8.21). As a result, he was of the view that the s.32 was incomplete, and he offered a range of solutions to address this, including working with the Council officer to address these gaps and develop an appropriate set of district plan rules for the relevant district plan zones to give effect to the policy outcome sought by PC91.
17. **Mr. Jeffery Garnham** (Health Protection Officer) for Ngā Tai Ora spoke to his evidence in chief, which was taken as read. He provided me with a detailed analysis of a number of the underlying health issues faced in the district, including access to public health. He advised me about the World Health Organisation approaches towards public health issues, with a need to take a precautionary approach. He highlighted the significant impacts hazardous substances could have on public health outcomes and how, in his view these were not appropriately addressed by PC91.
18. I found his evidence very insightful and through my questions we explored what areas were within the Council's jurisdiction or ability to control. That is, what was I able to address through the RMA process or what was the responsibility of other agencies and/or pieces of legislation. At this point, its fair to say that a number of the issues, while not seeking to underplay these critical matters, were beyond my ability (recommended to Council) to address through the district plan process under the RMA.

19. **Ms. Sarah Westoby** (Planner) for the Fuel Companies spoke to her evidence in chief, which was taken as read and covered the issues raised in the Fuel Companies' submission. She also provided me with a supplementary statement, which covered the issues raised in her evidence in chief and addressed issues raised by the other party's evidence. She supported the overall approach to PC 91, subject to amendments. Firstly, she believed that Objective HSUB-02 (Reverse Sensitivity) should be amended by removing the words *unduly compromise* and replacing them with *constrain or curtail* for the reasons set out in her evidence.
20. She also covered her position for a new definition of residual risk beyond what was initially sought by Horticulture NZ's submission and why she believes this should focus on off-site risks as opposed to the definition set out in Ms. Baxter's s.42A report, seeking to address Horticulture NZ submission. She then covered why she did not support the inclusion of a 'rules-based approach', as set out by Mr. Badham. A point she expanded upon in her supplementary statement.
21. **Ms. Ebony Ellis** (Counsel) for Channel NZ spoke to her legal submissions and covered the issues raised in the Channel NZ's submissions. She set out how her client supported the Council's approach in PC 91, and she did not agree with Ngā Tai Ora submission that PC 91 would lead to unacceptable risk to sensitive activities, adverse public health outcomes and environmental effects. She also set out how the management of hazardous substances within the district were appropriately covered by the provisions under HSNO and HSW and how these provisions were comprehensive, robust and appropriate to manage the adverse effects that may arise from these activities.
22. **Ms. Lynette Wharfe** (Planner) for Horticulture NZ spoke to her evidence in chief, which was taken as read and covered the issues raised in the Horticulture NZ submissions. She also provided me with a supplementary statement, which covered the issues raised in her evidence in chief and addressed issues raised by the other party's evidence. She, like Ms. Westoby was in general support of PC 91 and then set out the changes required, while acknowledging a number of these has been addressed in Ms. Baxter's s.42A report. These including amendments to the wording of HSUB-02, HSUB-P2 and HSUB-P3.
23. She provided me with a detailed analysis of how hazardous substances were managed under the HSNO, HSW and RMA provisions and how these related to each other in light of the 2017 RMA amendments, which I found very helpful. In doing so, she explored how other district/cities in New Zealand (Christchurch City and the neighbouring Kaipara District) had sought to address the 2017 RMA amendments in their district plans.
24. She then explained why, in her view a rule-based approach as suggested by Ngā Tai Ora was not required to address the hazardous substances issues for the district and how the existing (with amendments) PC 91 and HSNO and HSW provisions could appropriately deal with these matters. She then explained her rationale for the suggested changes to the wording of the objectives and policies in PC 91.

Right of Reply

25. The hearing was adjourned on the 9 March 2023, with the Council's right of reply to the issues raised during the hearing received on 12 April 2023.

26. Ms. Baxter provided me with a table of suggested recommended changes to the wording of the objectives and policies in contention between the parties, with her rationale for these changes. She then covered the issues raised by Mr. Badham and Ngā Tai Ora's submission and why in her view the approach proposed in PC 91 (a non-rule-based approach), subject to the suggested changes to the wording of its objectives and policies was the most appropriate approach for the district in light of s.32 and s.32AA of the RMA and would give effect to Part 2.
27. This included a detailed analysis of the relevant Ministry for the Environment guidelines to implementation of the 2017 RMA amendments for hazardous substances in district plans. She also explored in detail the examples given by Mr. Badham through his evidence and the different options he had suggested (Options 2 and 3 set out in his evidence in chief).

PRINCIPAL ISSUES IN CONTENTION

28. Having considered the submissions received, the hearing report, the evidence presented at the hearing and the Council officers' response to questions I am in general agreement with the recommendations in Ms. Baxter's s42 report and her right of reply.
29. The principal issues in contention can be categorised as follows:
- Amendments to the wording of the objectives and policies for PC 91;
 - Changes to the District Plan definitions around definitions of Residual Risk and Sensitive Environments and Area; and
 - Whether or not a rule-based approach was required to give effect to the objectives and policies in PC 91.

FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

Amended wording to the Objectives and Policies

30. Firstly considering the amended wording of PC91 objectives and policies, I think it's fair to say that by the time of the hearing there was no disagreement between any of the parties of the proposed changes to HSUB-01 proposed by Ngā Tai Ora submission (5/2) and is therefore accepted. I agree with this and find this amendment is appropriate and recommend to Council that this objective is amended to say:

HSUB-01 – Residual Risk

Property, the environment and the health and safety of people are protected from any unacceptable levels of residual risk associated with the location of facilities that use, store and dispose of hazardous substances.

31. In terms of HSUB-02 Ms Wharfe (Horticulture NZ 4/2) and Ms Westoby (Fuel Companies 6/2) sought that this objective be amended for different reasons for the rationale set out in

their evidence. In evaluating this policy, I agree with the approach suggested by Ms. Baxter and Ms. Westoby for the rationale set out in Appendix 1 of Ms. Baxter's right of reply, as I agree the words *unduly compromise* are unclear and the proposed amendment will provide district plan users with a clearer understanding of the outcomes sought by this objective. Fuel Companies submission (6/2) is accepted, and Horticulture NZ (4/2) submission is rejected.

32. As a result, I find their amendment is appropriate and recommend to Council that this objective is amended to say.

HSUB-02 – Reverse Sensitivity

Sensitive activities do not constrain or curtail existing areas and activities which use, store or dispose of hazardous substances.

33. In terms of HSUB-P2 Ms Wharfe (Horticulture NZ 4/4) sought that this policy be amended for the rationale set out in her evidence. This approach is supported by Ms. Baxter, and I agree with this, for the rationale set out in Appendix 1 of Ms. Baxter's right of reply. This will provide district plan users with a clearer understanding of the outcomes sought by this policy and better links back to the objectives, so this submission is accepted.
34. As a result, I find this amendment is appropriate and recommend to Council that this policy is amended to say.

HSUB-P2 - People and Communities

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, remedying or mitigating such risk to an acceptable level.

35. In terms of HSUB-P3 Ms Wharfe (Horticulture NZ 4/5) sought that this policy be amended for the rationale set out in her evidence. In essence, I agree with Ms. Baxter that these changes are minor and will provide district plan users with a clearer understanding of the outcomes sought by this policy and better links back to the objectives, so this submission is accepted.
36. As a result, I find this amendment is appropriate and recommend to Council that this policy is amended to say.

HSUB-P3 – Sensitive Environments and Areas

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, remedying or mitigating such risk to an acceptable level.

37. In terms of the other submissions, I agree with Ms. Baxter's view set out in her right of reply and these are either accepted or rejected for the rationale set out in her s.42A report and her right of reply. This includes the proposed changes to HSUB-P4 which I recommend to the Council should remain as notified. For completeness I have set this policy out below.

HSUB-P4– Reverse Sensitivity

To avoid reverse sensitivity effects by requiring sensitive activities to be appropriately designed and located in relation to existing areas and activities which use, store or dispose of hazardous substances.

38. Finally in this section, I note that the Ms. Baxter has recommend that amendments be undertaken to the issue statement supporting the objectives and policies. While technically not required as part of the district plan under the RMA, I fully support their use as they represent the beginning of the public policy cycle, or line of logic to plan making, and set up the rationale for the objectives and policies. I agree with the wording set out in Ms. Baxter's right of reply as these provide district plan users with a good understanding of the basis of the objectives and policies for the new hazardous substances chapter. These have been set out in **Attachment One** which contains a version of the amended chapter for the Council's final approval.

Changes to the District Plan definitions

39. As considered above, Ms. Westoby (Fuel Companies) sought to amend the definition of Residual Risk beyond what was proposed in PC 91. While I understand Ms. Westoby's rationale I agree with Ms Baxter that any definition of residual risk should not be limited to off site or beyond the site only. I agree with Ms. Baxter's detailed analysis of this as set out in her right of reply and find that the definition set out in her s.42A report, as suggested by Horticulture NZ (4/1) was appropriate.
40. As a result, Horticulture NZ (4/1) submission is accepted in part (as set out below) and the Fuel Companies further submission is rejected. I have set out the new definition below, which should only apply to the Hazardous Substances Chapter of the District Plan.

Residual Risk: means any risk of an adverse effect after other industry controls, legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998, the Health and Safety at Work Act (2015) and regional planning instruments, have been complied with.

41. Finally, while Ms. Ursula Buckingham was not a party at the hearing her submission sought to remove *H: Areas of High Susceptibility to Instability Hazards* from the existing District Plan definition for *Sensitive Environments and Areas*. I did not receive any evidence on this matter, save for Ms. Baxter's view supporting this approach as Areas of High Susceptibility to Instability Hazards are currently not shown or provided for in the District Plan. Horticulture NZ's and Fuel Companies also supported this approach in their further submissions.
42. I agree with Ms. Buckingham's submission for the rationale set out in Ms. Baxter's s.42A report. As a result, Ms. Buckingham's submission is accepted, and this part of the definition should be removed from the District Plan. The new and amended definition has been set out in **Attachment One** which contains a version of the amended chapter for the Council's final approval.

Whether or not a rule-based approach was required

43. It was clear to me that there was no disagreement between any of the parties that the 2017 RMA amendment required the Council to re-evaluate its approaches to the management of adverse effects of the storage, use, disposal, and transportation of hazardous substances as part of district plan process. The question before me was whether the approach set out in PC 91 is appropriate to achieve this goal without any zone-specific rules.
44. In essence, Mr. Badham, for the reasons set out above and, in his evidence, was of the view that this was not the case and that the adverse effects from hazardous substances on sensitive areas and public health outcomes could not be left solely to the HSNO and HSW provisions. In his view, the s.32 evaluation was incomplete and required further analysis to identify a range of zone-specific rules to ensure the adverse hazardous substances were appropriately addressed, especially when dealing with incompatible activities within and between zones and avoid adverse effects of reverse sensitivity.
45. Ms. Baxter, and the other planning witnesses (Ms. Westoby and Ms. Wharfe), supported by Ms. Ellis's legal submissions, were of the strong view that adverse impacts of hazardous substances were appropriately addressed through HSNO and HSW provisions and the district wide objectives and policies set out in PC 91, which would be considered as part of any relevant resource consent application assessment.
46. To support this Ms. Baxter provided me with a detailed table (Appendix 2 to her s.42A report) showing how this would work in practice, especially when it came to activities that would likely involve hazardous substances. She also explored in great detail the options suggested by Mr. Badham in his evidence (Options 2 and 3) and why she was of the view that PC 91 was still the most appropriate way to address these issues, in light of the requirements under the RMA (s.32, S32AA and Part 2).
47. I agree with Ms. Baxter and the other planning witnesses in this regard and find that the PC 91 provisions are the most appropriate way to achieve these outcomes sought by this plan change and there is no need for a rules-based approach to achieve the intended planning outcomes. The 2017 RMA amendments sought to ensure Councils were using the 'right tool for the job' and prevent duplication of regulatory controls. This has also been carefully considered, especially in light of the cost and benefits in Ms. Baxter's s.32 evaluation. As a result, Ngā Tai Ora submission seeking a rules-based approach are rejected.

STATUTORY PROVISIONS

48. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change. I also note that s.32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
49. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out. This further evaluation must be undertaken at a level of detail that corresponds to the scale and

significance of the changes. In my view this decision report, which among other things, addresses the modifications I have made to the provisions of PC 91, satisfies our section 32AA obligations.

50. Having considered the evidence and relevant background documents, I am satisfied, overall, that PC 91 has been developed in accordance with the relevant statutory and policy matters. The plan change, as amended will assist the Council in its effective administration of the District Plan, meets the requirements of s.32AA and would give effect to Part 2 of the RMA.

RECOMMENDATION

51. Pursuant to my delegation under section 34A of the Resource Management Act 1991, and pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, I recommend that Plan Change 91 to the Whangārei District Plan is approved subject to the modifications as set out in this decision.
52. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council's section 42A report, except as identified in this report.
53. The reasons for the recommendation are that Plan Change 91:
1. will assist the Council in achieving the purpose of the RMA;
 2. is consistent with the Northland Regional Policy Statement;
 3. is consistent with the provisions of Part 2 of the RMA;
 4. is supported by necessary evaluation in accordance with s.32 and s,32AA; and
 5. will help with the effective implementation of the plan.



Dr Lee Beattie, Commissioner

Dated: 21 June 2023

Attachment one:

Hazardous Substances (HSUB)

Issues

Hazardous substances are used throughout the District and include a wide range of substances such as medical waste, petroleum products, explosives, and industrial, agricultural and household chemicals. These substances can pose potential threats to the health and safety of people and can have significant adverse effects on the environment. At the same time, their use, storage, manufacture and disposal allow people to provide for their social and economic wellbeing, and their health and safety.

There is a wide range of legislation and industry standards controlling hazardous substances. Principal amongst these is the Hazardous Substances and New Organisms Act 1996 which provides the general framework for controlling hazardous substances during their entire life cycle. There are additional controls relating to hazardous substances in the Proposed Regional Plan for Northland, the Land Transport Act 1998, the Radiation Safety Act 2016, the Building Act 2004, the Health and Safety at Work Act 2015 and the Health and Safety at Work (Hazardous Substances) Regulations 2017.

In addition to the above controls, the District Plan manages adverse effects associated with hazardous substances and potential reverse sensitivity effects through spatial zoning and underlying zone rules.

Given the level of regulation controlling hazardous substances, the Hazardous Substances Chapter seeks to avoid any unnecessary duplication of regulation between the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015 and relevant regulations, and the District Plan. The chapter will address the residual risk to people, property and the environment, and reverse sensitivity after other industry controls and legislation have been complied with, and where consent is required based on other district wide and area specific chapter rules.

Objectives

HSUB-O1 – Residual Risks	Property, the environment and the health and safety of people are protected from any unacceptable levels of residual risk associated with the location or expansion of facilities that use, store or dispose of hazardous substances.
HSUB-O2 – Reverse Sensitivity	Sensitive activities do not constrain or curtail existing areas and activities which use, store or dispose of hazardous substances.

Policies

HSUB-P1 – Residual Risks	To recognise the role of national and regional organisations, including the Environmental Protection Authority, WorkSafe and Northland Regional Council, in managing hazardous substances and avoid regulating hazardous substances where an adequate level of human health and environmental protection is already provided and there are no identified residual risks.
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HSUB-P2 – People and Communities	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, remedying or mitigating such risk to an acceptable level.
HSUB-P3 – Sensitive Environments and Areas	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, remedying or mitigating such risk to an acceptable level.
HSUB-P4– Reverse Sensitivity	To avoid reverse sensitivity effects by requiring sensitive activities to be appropriately designed and located in relation to existing areas and activities which use, store or dispose of hazardous substances.

New Definitions:

Sensitive Environments and Areas means:

- a. High Natural Character Areas.
- b. Outstanding Natural Character Areas.
- c. Outstanding Natural Landscapes.
- d. Outstanding Natural Features.
- e. Flood Hazard Areas.
- f. Coastal Hazard Areas.
- g. Mining Hazard Areas.
- h. Sites and Areas of Significance to Māori.
- i. Heritage Buildings, Sites and Objects.
- j. Northpower Critical Electricity Lines.

Residual Risk (*This definition only applies to the Hazardous Substances Chapter of the District Plan*) means any risk of an adverse effect after other industry controls, legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998, the Health and Safety at Work Act (2015) and regional planning instruments, have been complied with.

Consequential Amendments:

- Delete Hazardous Substances Chapter and Appendices 8a – 8d.
- Delete “hazardous facility” and “hazardous sub facility” definitions.
- Delete the following reference documents from the Referenced Documents Chapter:
 - Department of Labour, 1992 Code of Practice for Design Installation and Operation of Underground Petroleum System.
 - AS/NZ 1596:1997 Australian and New Zealand standard for Storage and Handling of LPG.
 - New Zealand Radiation Protection Regulations 1982.
 - NZS 8409: 1999 New Zealand Code of Practice for the Management of Agrichemicals.
 - New Zealand Chemical Industry Council 1987 Code of Practice or Warning Signs for Premises Storing Hazardous Substances.
 - New Zealand Ministry for the Environment 1999 Land Use Planning for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facility Operators.