

Selwyn District Council
Variation 26 – Hazardous Substances
Planning Officer's Report

Executive Summary

This Report has been commissioned by the Selwyn District Council (SDC) in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions and further submissions received following the public notification of Variation 26 and to make recommendations on those submissions/further submissions.

The background information to this Variation is contained within the Section 32 evaluation prepared for the SDC at the time this variation was notified. For reference purposes, this evaluation is attached to this report as Appendix One.

In essence, Variation 26 seeks to address the hazardous substances provisions within the District Plan which need updating, with the particular intention of ensuring consistency between the hazardous substances provisions in the two volumes of the Plan and between the Plan and other relevant documents (including HSNO legislation and the Natural Resources Regional Plan). This is sought through providing amendments to the existing objectives, policies, rules and appendices.

This report:

- outlines the statutory provisions relevant to the variation process;
- discusses general issues
- discusses both the original and further submissions received following the public notification of this variation;
- makes recommendations as to whether or not those submissions should be accepted or rejected; and
- concludes with an overall recommendation based on the preceding discussion in the report.

A total of 7 submissions and 3 further submissions were received on Variation 26. Submissions received seek a range of outcomes; from the adoption of the proposed variation through to amendments to the content of the provisions within the District Plan.

In general it is concluded that there is a need to make some alterations to the hazardous substances provisions within the District Plan. Some changes are recommended to the provisions as notified, and these are contained within Part 4 of this report. A summary of all recommendations on submissions and further submissions is attached to this report as Appendix Five.

Introduction

This report deals with Variation 26 to the Proposed Selwyn District Plan.

This report has been prepared by Stephanie Styles. I hold a Bachelor of Planning degree with Honours, from the University of Auckland. I have been employed as a Senior Planner at Boffa Miskell Ltd since August 2004. I am a member of the New Zealand Planning Institute.

I have ten years experience in the resource management field, with a range of practice throughout mainly the South Island. This work has included resource consent processing, transportation policy, district plan development, and preparation of resource consent applications.

The purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding this variation, along with recommendations on the submissions and further submissions. It must be emphasised that the conclusions and recommendations made in this report are my own, based on the information to hand at the time of writing this report, and are not binding upon the Council. It should not therefore be assumed that the Hearings Panel will make the same conclusion as myself having considered all the evidence brought before it at the hearing.

This report is structured as follows:

- Part 1:** Statutory Considerations
- Part 2:** Background
- Part 3:** Submission Discussion and Recommendations
- Part 4:** Overall Recommendations (including recommended amendments to the District Plan)

Appendices attached to this report include:

- Appendix One:** Copy of Variation 26 as Notified
- Appendix Two:** Statutory Considerations summary
- Appendix Three:** Relationship between Regulatory Authorities controlling Hazardous Substances
- Appendix Four:** Technical Report on Hazardous Substances (Russell Malthus)
- Appendix Five:** Summary of all Recommendations on Submissions and Further Submissions
- Appendix Six:** Letter from the Canterbury District Health Board

Variation 26 seeks to address the hazardous substances provisions within the District Plan which need updating, with the particular intention of ensuring consistency between the hazardous substances provisions in the two volumes of the Plan and between the Plan and other relevant documents (including HSNO legislation and the Natural Resources Regional Plan). This is sought through providing amendments to the existing objectives, policies, rules and appendices.

The Variation was notified on 14 October 2006 with submissions closing on 14 November 2006 and further submissions closing on 16 February 2007. A copy of the Variation is attached as Appendix One.

A total of 7 submissions and 3 further submissions were received on Variation 26. Submissions received seek a range of outcomes; from the adoption of the proposed

variation through to amendments to the content of the provisions within the District Plan.

Reference is made throughout this report to the technical report prepared by Mr Russell Malthus, Environmental Health Officer, which can be found in Appendix Four to this report.

Part 1: Statutory Considerations

- 1.1 The following is a brief summary of the key statutory considerations, which must be noted as part of considering this variation. Appendix Two contains the associated text from the Resource Management Act 1991 (RMA).
- 1.2 Section 74 of the Act sets out the matters that must be considered in preparing a change to the District Plan. Among other things, section 74 requires a local authority to comply with its functions under sections 31, 32, 75(2) and Part 2 of the Act in preparing a change to a district plan.
- 1.3 Section 31 of the Act sets out the functions of territorial authorities in giving effect to the purpose of the RMA and the provisions of Part 2 of the Act include:
 - the purpose of the Act as contained in Section 5;
 - Section 6 - Matters of National Importance;
 - Section 7 Other Matters that require particular regard in achieving the purpose of the Act; and
 - Section 8 Treaty of Waitangi.
- 1.4 In accordance with Section 32 of the Act, the Council has a duty to consider alternatives, benefits and costs of the proposed change. Section 32 was amended on 1 August 2003. This Variation was publicly notified since the amendment and thus the amended provisions of the Act are relevant.
- 1.5 In addition, Section 75 also requires the District Plan must give effect to the Regional Policy Statement and not be inconsistent with any Regional Plan/s.
- 1.6 For completeness, it is noted that in making a decision on the variation, the Council is guided by Clause 10 of the First Schedule to the RMA.

Part 2: Background

- 2.1 Variation 26 relates to the hazardous substances provisions within the District Plan.
- 2.2 The notified Proposed District Plan (PDP) provides a range of provisions within both the Rural and Townships Volumes, which deal with hazardous substances. The purpose of the hazardous substances provisions is to ensure the protection of people and land from potential adverse effects of the storage of hazardous substances.
- 2.3 The Council has identified the need to deal with a number of areas of the hazardous substances provisions, which have been identified as needing to be addressed, particularly through the District Plan decision and appeal processes. The intent of this variation is to address the areas needing updating with the particular intention of ensuring consistency between the hazardous substances provisions in the two volumes of the Plan and between the Plan and other relevant documents (including HSNO legislation and the Natural Resources Regional Plan (NRRP)). This process will assist in the interpretation of rules for the public and in the clear and consistent administration of the Plan by Council staff.
- 2.4 The Council has decided that while it is appropriate at this time to make some changes to the District Plan, this will not involve a full review process as further changes will also be required in the next few years to deal with the NRRP (currently in hearing process) and the Regional Policy (to be reviewed in the near future).
- 2.5 The District Plan includes a hazardous substances section in each of the Rural and Townships volumes. Within each volume there are references to hazardous substances in:
 - Issues
 - Objectives
 - Policies
 - Rules
 - An appendix containing two tables (Classification of Hazardous Substances and Quantity Limits for Classes of Hazardous Substances).
- 2.6 The changes to the District Plan contained within the variation made:
 - text changes to the objectives, policies and rules,
 - updated the Classification of Hazardous Substances tables,
 - amended some of the quantities in the Quantity Limits for Classes of Hazardous Substances tables, and
 - other associated alterations for consistency.
- 2.7 Attached in Appendix Three is a diagram that sets out a summary of some of the key relationships between statutory authorities dealing with hazardous substances, as this relates to the changes to the District Plan.

Part 3: Submission Discussion and Recommendations
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- 3.1 Part 3 will discuss the issues raised in the submissions and further submissions, make recommendations on whether those submissions / further submissions should be accepted or rejected, and give reasons for such recommendations.
- 3.2 The issues contained within the submissions and further submissions are divided into a number of groups below, with each group covering one or more submissions / further submissions. Due to the number of submission / further submission points, this discussion does not contain specific recommendations on each submission point but instead discusses the issues. Specific recommendations on each submission / further submission point are contained in Appendix Five.

Relationship with the Hazardous Substances and New Organisms Act 1996 (HSNO)

- 3.3 One of the key outcomes sought from the variation was to provide greater consistency with HSNO. It was the intention that the proposed changes provide this consistency whilst being consistent with the need to focus on the Selwyn District.
- 3.4 Generally the submissions received agree that this consistency is necessary although some submissions seek a greater or lesser degree of alignment with the HSNO provisions. Some of the submissions in support do not provide any specific explanation of whether any additional changes are sought to provide this consistency eg Tegel Foods seek additional streamlining of provisions but do not provide details of what this would involve.
- 3.5 As these submissions support the intent of the variation, I recommend that they be either **accepted** or **accepted in part** (where no details are provided).
- 3.6 However, some submissions, particularly those from Horticulture New Zealand, seek substantial changes to the hazardous substances controls within the District Plan. These submissions seek that rather than applying quantity limits, storage of agrichemicals be a permitted activity under NZS8409:2004 Management of Agrichemicals, or storage of Class 1-5 substances where a current Location Test Certificate has been issued by a Test Certifier under HSNO.
- 3.7 Mr Malthus has addressed this proposition in detail in his report, and in summary considers that this would be inappropriate because:
- the Council's role is wider than just the matters covered by these two documents and should cover all relevant matters to the district,
 - the other documents and legislation anticipate the district plan will also have a role to play in the control of hazardous substances,
 - the use of quantity limits to control storage of hazardous substances is consistent with the current form of the district plan, other adjacent district plans, the NRRP, the RPS and the RMA,
 - the introduction of a completely new regime would mean that current Council staff would not be qualified to assess compliance of activities against

such controls to determine permitted activity status, having major implications for the Council in resourcing and training.

- 3.8 On this basis I recommend that these submissions be **rejected**.
- 3.9 The submission by Federated Farmers goes on to support amendments to provide consistency between the District Plan and HSNO requirements 'provided threshold limits for resource consents are appropriate' and supports the Council's proposal not to adopt the "HFSP" (the Ministry for the Environment's Hazardous Facilities Screening Procedure), which is an alternative to setting threshold quantity limits in District Plans. As this is consistent with the tone of the variation, I recommend that these submissions be **accepted in part** subject to any amendments that may result from other submissions.

Relationship with the Regional Policy Statement (RPS) and Natural Resources Regional Plan (NRRP)

- 3.10 Another of the key outcomes sought from the variation was to provide greater consistency between the District Plan and the RPS and NRRP. Generally the submissions received agree that this consistency is necessary although some submissions seek changes that would be inconsistent with the RPS and/or NRRP provisions.
- 3.11 Federated Farmers (96.2) in particular, seeks that there be a delay in altering the District Plan provisions until the requirements of the revised RPS and operational NRRP are known. The submission notes the intention by ECan to revise the RPS and that the NRRP is in hearing stages. Selwyn District Council are well aware of the current and future intentions for changes in these documents, however the timing of these is still some distance away with the potential for a considerable delay until these documents are confirmed. The Council has therefore decided that it is important to pursue this current variation to improve consistency, whilst noting that future changes may continue to be necessary in response to changes in the RPS and NRRP.
- 3.12 I agree with this approach and consider that as the current need for change has been identified it would be inappropriate to wait what could be a significant length of time to pursue a variation. On this basis, I consider that this submission should be **rejected**.
- 3.13 In relation to those submissions that seek to separate the District Plan's functions from the NRRP functions, or to restrict the scope of the District Plan with respect to protection of ground and surface waters or the control of ecotoxic substances on the basis that those are exclusively functions of Environment Canterbury, Mr Malthus has commented that these functions are within those anticipated for the District Plan. On this basis, I recommend that those submissions should be **rejected**.

Consistency

- 3.14 A number of the submissions received comment on the theme of consistency and in relation to consistency with other District Plans, a submission from Federated Farmers (96.3) is concerned that the variation should not pursue consistency at the cost of not having quantity thresholds and site requirements which are the most appropriate for Selwyn District. It is hoped that the changes sought in the

variation do find a suitable balance between consistency and dealing with local issues. In this way I recommend that this submission be **accepted in part** subject to any amendments that may result from other submissions.

- 3.15 Likewise Federated Farmers (96.4) support consistency between the Rural Volume and the Township Volume of the District Plan. This is important as in the past there have been a range of discrepancies between the volumes and it is ideal that this be reduced. I recommend that this submission be **accepted in part** subject to any amendments that may result from other submissions.

References to “Use”

- 3.16 One of the approaches taken by the variation was to focus on storage of hazardous substances rather than the use of these. Submission points received appear to support this approach and where submissions are in support of this I recommend that they be **accepted**.
- 3.17 Some of the submission points have identified that in places in the new variation text reference has continued to be made to “use” and that this should be amended. It is agreed that these errors should be corrected, however in places the reference is made with the context of description and discussion and forms explanation that is necessary for the understanding of the plan. Therefore, I recommend that these submission points be **accepted in part** with references to “use” made in error being removed.

Objectives and Policies

- 3.18 The submission points received from Horticulture NZ include a number that relate to the hazardous substances objectives and policies. These address a number of matters including errors, text changes and minor amendments. Mr Malthus has addressed each of these in detail.
- 3.19 A number of these points relate to either amenity values or RMA section 31 matters and as pointed out by Mr Malthus, the district plan is an appropriate place for these matters to be addressed. I agree with Mr Malthus’ assessment of these matters and consider that the definition of amenity values is such (*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*) that it would cover the storage of hazardous substances for many people. Similarly, Section 31 of the RMA is broad and would cover matters such as livestock, flora and fauna. On this basis, I recommend that these submission points be **rejected**.
- 3.20 Likewise some submission points seek the removal of references to water and potential contamination within the policies. As Mr Malthus points out the inclusion of these references is consistent with the NRRP and should be maintained. Thus I recommend that these submission points be **rejected**.
- 3.21 A number of the other submission points deal with matters which would lead to a better understanding of the provisions and these are supported. On the basis of Mr Malthus’ advice, I recommend that these be **accepted** or **rejected** as set out in Mr Malthus’ report.

Rules

- 3.22 A number of submission points from Horticulture NZ relate to amendments sought to Rule VII of the Rural Volume. These include text changes to ensure clarity in the explanation of the rule and Mr Malthus supports these amendments being **accepted** or **accepted in part**. I note that where these changes occur to the Rural Volume under this submission, it is also important to make these changes to the Townships Volume as consequential amendments, to ensure that consistency is retained.
- 3.23 In addition, one of the submission points seeks that the status of activities not meeting the hazardous substances rule be altered from Non-Complying to Restricted Discretionary, with the insertion of a set of assessment matters.
- 3.24 The variation did not seek to alter the activity status in any way and in particular was specific that the only changes intended were those necessary to update the district plan provisions in relation to changes that had occurred over recent years and to ensure consistency. Activity status is not related to either of these goals.
- 3.25 I consider that a change in activity status is beyond the scope of the variation. I am particularly concerned that submitters, or potential submitters, on the variation would not have anticipated a change in activity status and may have chosen not to make a submission on this issue but would have if the activity status was a matter for consideration. In the scoping of this variation, the Council itself did not consider activity status and thus this is not a matter which has been subject to assessment, the section 32 process, or full public consultation. Therefore I consider it to be inappropriate to pursue a change in activity status further at this time, but note that this may be an appropriate matter to consider in any future change to the hazardous substances provisions (eg any updates once NRRP or RPS provisions are progressed). On this basis, I recommend that this submission point be **rejected**.
- 3.26 However, should the Hearings Panel consider that this submission is within the scope of the variation, I note that Mr Malthus has identified the need to more fully consider appropriate assessment matters to ensure protection of the environment.
- 3.27 A submission point from Federated Farmers requests the deletion of a note preceding the rules in relation to business and rural zones. This note relates to the need for consultation with Environment Canterbury. It is important to note this within the district plan to ensure that persons utilising the rules are aware that Environment Canterbury also plays a role in the control of hazardous substances and it would be remiss of the district plan not to alert people to this. As a non-statutory note, it is appropriate that this remain within the plan and on this basis I recommend that this submission be **rejected**.

Appendices

- 3.28 The Horticulture NZ submissions also seek changes to Appendix 15 of the Rural Volume, particularly to ensure clarity and adequate explanation. Mr Malthus has assessed each of these individually and has provided recommendations. I note that where these changes occur to the Rural Volume under this submission, it is also important to make these changes to the Townships Volume as consequential amendments, to ensure that consistency is retained.

Disposal

- 3.29 There are a couple of submission points that address the matter of disposal, either of hazardous substances themselves or of used containers.
- 3.30 Horticulture NZ seeks that specific mention is made of the Agrecovery programme for disposal of agrichemical containers. I agree with Mr Malthus' view that specific mention of one particular programme is unnecessary when the implementation methods cover disposal broadly. On this basis I consider the submission point should be **rejected**.
- 3.31 The variation sought to remove wording from the previous district plan which referred to following manufacturers instructions for the disposal of containers. This was identified by the Council's Hearings Panel as an issue to be resolved. A submission by Federated Farmers queries this and requests both more information and the retention of the exemption. A further submission by Environment Canterbury opposes this and provides an example of a situation where the manufacturer's instructions are inadequate. Mr Malthus has also provided additional detail on this matter. On this basis, I recommend that this submission be **rejected**.
- 3.32 A submission point by Horticulture NZ seeks to provide for disposal of hazardous substances. Mr Malthus has assessed the proposed amendments within this submission point and considers that they would be inappropriate for a range of reasons; including the inadequacy of manufacturer's instructions and the need to consider environmental effects. On this basis I recommend that the submission point be **rejected**.

Definitions

- 3.33 The variation has sought to clarify the situation in respect of the definition of hazardous substances with the district plan and ensure that this is consistent across all parts of the plan. In particular the intention was to align the district plan definition with the Resource Management Act definition as the district plan falls under the RMA.
- 3.34 A submission from Federated Farmers seeks that the definition used in the district plan be aligned with HSNO rather than the RMA (which is a broader definition) as the submission is concerned that the broader definition introduces uncertainty. I agree that there is the potential for some uncertainty, but I consider this is resolved through the more detailed provisions within the rules and appendices. I also note Mr Malthus' point that there needs to be greater flexibility within the district plan than within HSNO to deal with other matters that may be deemed hazardous within the local context eg radioactive material which is not covered by HSNO but is commonly addressed within district plans. Therefore, I consider that this submission point should be **rejected**.
- 3.35 The submissions by Horticulture NZ also deal with definitions and terminology in relation to agrichemicals and pest control. Mr Malthus has addressed these matters and has proposed changes to address these in part. I agree with his recommendations on these matters.

Classification of Hazardous Substances

- 3.36 The submission points from Horticulture NZ address a couple of matters in relation to classification of hazardous substances and Mr Malthus has assessed these in detail. In particular Mr Malthus recommends an additional note to explain what 'any other toxic substance' includes, and I agree that this will assist in clarification of the provisions.

Rolleston

- 3.37 The submission received from IZone Project Team seeks the introduction of specific provisions relating to the Business 2 zone at Rolleston. This is sought on the basis that currently the business zone is not adjacent to any residential zoning and seeks an increase in the permitted quantity limits.
- 3.38 I am concerned that changing the quantity limits for Rolleston where these were not changed by the Variation may be outside the scope of the variation. It is possible that some other potential submitters may not have considered that all the quantity limits were within the scope of the variation for change, did not lodge a submission and so may consider themselves disadvantaged if additional changes to quantity limits are considered. On this basis, I recommend that this submission be **rejected**.
- 3.39 However, should the Hearings Panel consider that this submission is within the scope of the variation, I note that Mr Malthus has assessed this submission and considers that it would be inappropriate to increase the quantity limits at Rolleston as the Business 2 zone limits are already significantly more relaxed than for other zones, and provide reasonable flexibility for business activities throughout the District whether or not they are close to Living Zones or other more sensitive zones. I agree with Mr Malthus' assessment and recommend that if the submissions are within scope, they be **rejected**.

Liquid Petroleum Gas (LPG)

- 3.40 Two submissions received seek that the quantity limit for the storage of LPG in the rural zones be increased from 600kg to 4,000kg. This is sought to ensure adequate provision of LPG for agricultural practices such as poultry farming and grain drying.
- 3.41 Similarly to the issue above, it is possible that these submissions could be considered outside the scope of the variation as they affect provisions that were not altered through the variation. It is possible that some other potential submitters may not have considered that all the quantity limits were within the scope of the variation for change, did not lodge a submission and so may consider themselves disadvantaged if additional changes to quantity limits are considered. On this basis, I recommend that this submission be **rejected**.
- 3.42 However, should the Hearings Panel consider that this submission is within the scope of the variation, I note that Mr Malthus has considered this matter and supports these submissions on the basis that there is less risk from transport and transfer to bulk single-tank LPG facilities. The relaxed limit would still allow the Council to assess larger installations, and in any case storage exceeding 100kg is controlled by HSNO location test certification. Allowing a higher limit is also likely to reduce the number of installations with supply systems comprising multiple smaller cylinders, which have potentially a higher risk of failure than a single tank with dedicated controls.

- 3.43 Based on this advice, should the panel consider the submissions to be within scope, I recommend that the submissions from the LPG Association of NZ Inc and Rockgas Limited seeking this increase in quantity be **accepted**.
- 3.44 Prior to the variation, the District Plan referenced a Code of Practice and site containment standard as the means of compliance for controlled activities involving bulk storage of petroleum products and LPG (at service stations and truck stops). The variation removed these provisions as those documents have been adopted by ERMA as default means of compliance for sites involving the storage of petrol and LPG that require HSNO location test certificates. Likewise changes through the variation led to the removal of the requirement for LPG containment.
- 3.45 Support for these approaches has been expressed through submissions received and I recommend that these submissions in support be **accepted**.

Support for the Variation

- 3.46 Submissions in support of the variation range from those in qualified support with some changes requested, to those in total support. Some submissions in support discuss the need to streamline the various related processes (District Plan, HSNO, NRRP, etc) to avoid duplication and reduce compliance costs.
- 3.47 In general I agree that it is important to streamline the processes however I note that the District Plan has a different function from the other documents with its focus on district based issues. In this way it is important that the needs and demands of the district are considered concurrently with the desire to make the process as user friendly as possible.
- 3.48 I do not consider that it is possible for District Plan rules to entirely avoid confusion and conflict over matters of consistency between documents that have different purposes. However if the rules are carefully managed, then the potential for confusion and conflict should be reduced.
- 3.49 Based on the advice received from Mr Malthus and the matters discussed elsewhere in this report, I do consider that there are some necessary changes that should be made to the Plan rules. On this basis I recommend that the submissions in support of the variation should be **accepted in part**, and that those that seek that the variation be adopted in its entirety be also **accepted in part** subject to any amendments that may result from other submissions.

Errata and Formatting / Consequential Changes

- 3.50 The Horticulture NZ submissions raised the need to carry out formatting changes, correct errors or undertake consequential changes as a result of responding to submissions. It is agreed that any errors should be corrected and any consequential changes arising from acceptance of submissions should be made and applied to both Volumes where relevant, for purposes of consistency. On this basis I recommend that these submissions be **accepted in part** subject to any amendments that may result from other submissions.

Existing Use Rights

- 3.51 A submission by Federated Farmers (96.13) seeks that existing use rights be maintained. It appears that this submission is seeking that where an existing activity is established and the threshold limits change under this variation, the previous threshold quantities be retained. This is the essence of existing use rights as provided for under Section 10 of the Resource Management Act 1991 and would continue to apply where an activity has been legally established as a permitted activity. Likewise, should an activity have been established by way of resource consent, the activity may continue subject to any conditions of that consent, despite subsequent district plan changes.
- 3.52 On the basis that existing use rights are provided for under the Resource Management Act 1991, I recommend that this submission be **accepted in part** in so far as this is an existing situation that does not require amendment to the district plan.

Canterbury District Health Board

- 3.53 During the submission period, the Council received a letter from the Canterbury District raising concerns over the variation. The Board generally supports the variation but is concerned that the Council's role appears to be more limited than it actually is under HSNO. The Board is concerned to ensure that ratepayers are not given the impression that other agencies (including the Ministry of Health) have a greater role than they actually provide.
- 3.54 While the Board did not lodge a formal submission (and the letter received is not considered to be a submission), the matters raised within the letter have been considered and are covered within the assessment carried out by Mr Malthus. In particular it is noted that the District Plan text clearly identifies the main other agencies involved and particularly other legislation which has a bearing on the issue of hazardous substances.

Conclusions

- 3.55 Overall I consider that the variation has identified the need for changes to the hazardous substances provisions within the District Plan, however there are some additional alterations highlighted in the submission process which should be pursued. Therefore I consider there is a need to modify the changes to the District Plan by way of a range of positive actions sought through the submissions as discussed above.

Part 4: Overall Recommendations
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- 4.1 Based on the advice received from Mr Malthus and following consideration of the requirements of section 32, submissions, further submissions, and discussion outlined above, I recommend that:
- a. The submissions and further submissions be accepted, accepted in part or rejected as per the list contained within Appendix Five,
 - b. The changes introduced to the District Plan by the Variation be accepted, except in so far as they are amended by the recommendations below, and
 - c. The following changes be made to the District Plan:
- In each Volume of the Plan, amend Section Two, section 3.2 -I (i) (“*What is a hazardous substance*”) by changing the definition reference “...section 6 of the Hazardous Substances and New Organisms Act...” to read “...section 2 of the Hazardous Substances and New Organisms Act...”.
 - In each Volume of the Plan, amend Section Two, section 3.2 -I (ii) (“*What are the issues*”) by deleting the words 'depleted or' in the phrase 'depleted or surplus agrichemicals or garden sprays' in the last sentence in paragraph 1
 - In each Volume of the Plan, amend, section 3.2 -II “*Strategy*” by deleting the words 'large quantities of' from the 5th bullet point so that it reads:
 - *Ensuring that activities in the district that use or produce large quantities of hazardous substances have appropriate disposal plans.*
 - In each Volume of the Plan, amend the definition sections to include the following definition:

Agrichemical means any substance or mixtures of substances, whether inorganic or organic, biological, man-made or naturally occurring, modified or in its original state, that is prepared or manufactured and used to eradicate or control flora and fauna. This includes any pesticide, herbicide, fungicide, insecticide, piscicide, vertebrate pest control chemical, or other biocide, or any genetically modified organism or animal remedy registered under the Hazardous Substances and New Organisms Act 1996 and the Agricultural Compounds and Veterinary Medicines Act 1997. For the avoidance of doubt, it does not include fertilisers or lime and other soil conditioners, or animal effluent.
 - In Appendix 9 of the Townships Volume and Appendix 15 of the Rural Volume, amend Tables 1 and 2 by including a reference note¹ to the subgroup “Any other toxic substances” which states:

¹ “Any other toxic substances” means any toxic substance of classes 6.1A, 6.1B, 6.1C and 6.1D that is not in any of the other sub groups of toxic substances.
 - **In the Rural Volume of the Plan only**, amend the quantity limit for Class 2.1a from 600kg to 4000kg (if this is considered by the panel to be within the scope of the variation).

- **In the Rural Volume of the Plan only**, in the explanation and reasons for Policy 1 change the reference to Appendix 9 to Appendix 15.
- Amend Townships – Rules for Business Zones - Rule 2 – Permitted Activities - Storage 2.1.1 to read:
The quantity of each subclass of hazardous substances listed in Appendix 9 Table 2 complies with the maximum storage quantities set out in Appendix 9 Table 2.
- Amend Townships Rule 6 – Rules for Living Zones - Permitted Activities - Storage 6.1.1 to read:
The quantity of each subclass of hazardous substances listed in Appendix 9 Table 2 complies with the maximum storage quantities set out in Appendix 9 Table 2.
- Amend Rural Rule VII – Permitted Activities - Storage 1.1 to read:
The quantity of each subclass of hazardous substances listed in Appendix 15 Table 2 complies with the maximum storage quantities set out in Appendix 15 Table 2.
- Amend Note 3 at the commencement of Townships Rule 2 and Townships Rule 6 to read:
Where a substance has more than one HSNO subclass applied the quantity limit for storage as a permitted activity will be based on the most restrictive threshold in Appendix 9, Table 2 for that substance. For instance a substance with 6.1A and 9.1B classifications would be based on the 6.1A quantities as 9.1B permits 5000 litres and 6.1A permits 1000 litres. 6.1A is the more restrictive threshold in Table 2 so that is the threshold to be used.
- Amend Note 3 at the commencement of Rural Rule VII – Note 3 to read:
Where a substance has more than one HSNO subclass applied the quantity limit for storage as a permitted activity will be based on the most restrictive threshold in Appendix 15, Table 2 for that substance. For instance a substance with 6.1A and 9.1B classifications would be based on the 6.1A quantities as 9.1B permits 5000 litres and 6.1A permits 1000 litres. 6.1A is the more restrictive threshold in Table 2 so that is the threshold to be used.
- Amend the Townships Volume Rule 6.2 and the Rural Volume VII, 3 so that the heading “Transport reads “Transport on waterbodies” and the term “waterway” is changed to “waterbodies” in the text of the Rule.
- Amend Rural Volume Rule VII 1.4 to read:
 - 1.4 A hazardous substance is not stored:
 - 1.4.1 Within 20m of any waterbody or any wetland which adjoins a waterbody; and
 - 1.4.2 In any area shown on the Planning Maps as a Silent File area, Wahi [Cl 16(2), 1st Sch RMA] Taonga site, Wahi [Cl 16(2), 1st Sch RMA] Taonga Management Area, or Mahinga Kai site.

Note: Rule 1.4 shall apply only to hazardous substances that are

 - (i) substances other than those that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement; and

- (ii) *substances that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement and are transported by means other than through a pipe.*

The substances listed in Policy 1(a)(ii) of the RPS are:

- (a) *Pesticides.*
- (b) *Chlorinated solvents*
- (c) *Timber preservatives*
- (d) *Petroleum products*
- (f) *Substances containing the following chemicals: arsenic, cadmium, chromium, cyanide, lead, mercury, nickel or selenium.*

- Amend Townships Volume Rule 6.14 to read:

6.14 A hazardous substance is not stored:

6.14.1 Within 20m of any waterbody or any wetland which adjoins a waterbody; and

6.14.2 In any area shown on the Planning Maps as a Silent File area, Wahi [Cl 16(2), 1st Sch RMA] Taonga site, Wahi [Cl 16(2), 1st Sch RMA] Taonga Management Area, or Mahinga Kai site.

Note: Rule 6.14 shall apply only to hazardous substances that are

- (i) *substances other than those that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement; and*
- (ii) *substances that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement and are transported by means other than through a pipe.*

The substances listed in Policy 1(a)(ii) of the RPS are:

- (a) *Pesticides.*
- (b) *Chlorinated solvents*
- (c) *Timber preservatives*
- (d) *Petroleum products*
- (f) *Substances containing the following chemicals: arsenic, cadmium, chromium, cyanide, lead, mercury, nickel or selenium.*

- Include a new Note at commencement of Table 2 of Appendix 9 in the Townships Volume and Table 2 in Appendix 15 in the Rural Volume to read:

HSNO classes or subclasses not listed in Table 2 are exempt from the quantity limit requirement of Rule VII - Storage 1.1 and Table 2.

- In the opening comments to Table 1 in Appendix 9 of the Townships Volume and Table 1 in Appendix 15 of the Rural Volume, replace "Manufacturer's Safety Data Sheets (MSDS)" with "Safety Data Sheets (SDS)".

- In the opening comments to Table 1 in Appendix 9 of the Townships Volume and Table 1 in Appendix 15 of the Rural Volume, amend the 2nd bullet point to read:

Where a substance has more than one HSNO subclass applied the quantity limit for storage as permitted activity will be based on the most restrictive threshold for that substance in Appendix 15 Table 2.

- Amend Table 1 in Appendix 9 of the Townships Volume and Table 1 in Appendix 15 of the Rural Volume by
 - removing the column for UN Class; and
 - changing the order of the columns for hazardous substance types, examples of hazardous substances, and HNSO class/category to avoid confusion regarding the relationship between the information in these columns.
- Amend Tables 1 and 2 of Appendix 15 of the Rural Volume and Tables 1 and 2 of Appendix 9 of the Townships Volume so that the term 'HSNO Controlled Substances' is changed to 'Fumigant gases and vertebrate poisons e.g. Fumigant gases (e.g. chloropicrin, methyl bromide) and vertebrate poisons (e.g. cyanide baits, 1080).'

Report Prepared by Stephanie Styles

Resource Management Planner

Boffa Miskell Ltd

May 2007

Appendix One:

Copy of Variation 26 as Notified

The Resource Management Act 1991

Selwyn District Council

**Proposed District Plan
(Rural and Townships Volumes)**

Variation No. 26 – Hazardous Substances

A variation to amend the provisions within the Proposed
District Plan relating to Hazardous Substances

Date of Notification: Saturday 14 October 2006

Introduction

The notified Proposed District Plan (PDP) provides a range of provisions within both the Rural and Townships Volumes which deal with hazardous substances. The purpose of the hazardous substances provisions is to ensure the protection of people and land from potential adverse effects of the storage of hazardous substances.

Reasons for the Variation

The Council has identified the need to deal with a number of areas of the hazardous substances provisions which have been identified as needing to be addressed, particularly through the District Plan decision and appeal processes. The intent of this variation is to address the areas needing updating with the particular intention of ensuring consistency between the hazardous substances provisions in the two volumes of the Plan and between the Plan and other relevant documents (including HSNO legislation and the Natural Resources Regional Plan). This process will assist in the interpretation of rules for the public and in the clear and consistent administration of the Plan by Council staff. A variation is required to make the necessary amendments to the hazardous substances provisions.

What is a Variation?

A variation is an amendment to a proposed plan, which is made by the Council under Clause 16A of the First Schedule to the Resource Management Act 1991 ("the Act"). The changes to the proposed plan, which are promoted in the variation, occur from the date the variation is publicly notified.

Section 32 of the RMA

The Council's Section 32 Evaluation and the Summary of this evaluation in respect of these matters accompany this variation document, as **Attachment 1**. A challenge to any objective, policy, rule or other method contained in the variation on the ground that that Section 32 has not been complied with can only be made through a submission on the variation.

Amendments to the Proposed District Plan

(Amendments are shown with additions underlined and deletions ~~struck out~~)

- 1) Amend "Table 1 – Cross-Boundary Issues in Selwyn District", on Page 7 of both the Townships and Rural Volumes, by inserting the following into each table:

Issues	Local Authorities	Methods
...
<u>Hazardous Substance</u> <u>Thresholds and Controls</u>	<u>Christchurch City Council, Westland District Council, Waimakariri District Council, Ashburton District Council, Hurunui District Council,</u>	<ul style="list-style-type: none">▪ <u>Liaison with relevant staff and representatives of other local authorities on hazardous substances issues of local and regional concern, with due consideration to relevant legislation and local and regional environmental issues</u>▪ <u>Submissions and cross references on variations of hazardous substances</u>

	<u>Environment Canterbury, West Coast Regional Council</u>	<u>provisions in District Plans and the NRRP to aim for consistent approach between plans, with due consideration to relevant legislation and local and regional environmental issues</u> <ul style="list-style-type: none"> ▪ <u>Submissions on changes to hazardous substances legislation and standards of relevance to the District Plan</u>
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- 2) Insert the following wording into the advice notes at the beginning of each of the Hazardous Substances rules in both the Townships (Living Zones Rule 6 and Business Zones Rule 2) and Rural (Rule VII) Volumes:
Any activity involving the storage, use, disposal, discharge or transportation of a hazardous substance may require resource consent from Environment Canterbury. Therefore, Environment Canterbury should be consulted.
- 3) Amend the wording of the Plan to address inconsistencies between the two volumes as set out in Appendix One to this report.
- 4) Amend both the Townships and Rural Volumes to remove unnecessary references to 'use' and refine the discussion on 'use'. This requires text amendments throughout the issues/objectives/policies and rules sections of both volumes as set out in Appendix One to this report.
- 5) Amend note 3 at the start of Rule VII of the Rural Volume as follows:
"Rule VII does not apply to the disposal of any hazardous substance by use of it in accordance with the manufacturer's instructions, ~~nor to empty containers which are disposed of in accordance with the manufacturer's instructions.~~"
- 6) Amend the wording to refer to the Resource Management Act as follows:
Hazardous substance is defined in section 2 of the Resource Management Act 1991 to include, but is not limited to, any substance defined in section 6 of the Hazardous Substances and New Organisms Act 1996 (HSNO) as a hazardous substance. ~~Act as being the same as the definition in section 6 of the Hazardous Substances and New Organisms Act 1996 (HSNO).~~
- 7) Amend the issues section of both the Townships and Rural volumes of the Plan to refer to the Resource Management Act definition of hazardous substances (see Appendix One).
- 8) Amend the definition of hazardous substances in both the Townships and Rural volumes of the Plan as follows:

Hazardous substance: includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

- 9) Amend Rule 2 in the Land use rules for Business Zones, in the Townships Volume as follows:

2.1.4 Any hazardous substance(s) is/are not stored within 20 m of any waterbody.

- 10) Amend the wording within rule 2.3(a) and 2.3(b) (Exceptions), in the Townships volume in relation to Land Use rules for Business zones, as follows:

2.3 Exceptions [R15.3]

- (a) The storage and retail sale of petrol (up to 100,000 litres storage in underground tanks) and diesel (up to 50,000 litres in underground tanks) at service stations and/or truck stops shall be a controlled activity and will not require the written consent of other persons and shall be non-notified, ~~provided that the "Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems" (Department of Labour) is complied with.~~ [R15.3]
- (b) The storage and sale of LPG (up to 6 tonnes, single vessel storage) at service stations and/or truck stops is a controlled activity and will not require the written consent of other persons and shall be non-notified, ~~provided that the "Australian/New Zealand Standard 1596:1997, Storage and Handling of LP Gas" is complied with.~~ [R15.3]

- 11) Amend the wording within the Classes of Hazardous Substances tables in both the Townships and Rural volumes of the Plan, under both 2.2 Toxic Gases and 7.1a Poisonous Substances, to remove reference to the external documents, as shown in Appendix One.
- 12) Correct the Classes of Hazardous Substances table, in the Rural Volume, in the left-most column in relation to Oxidising Substances, to refer to 5 rather than 5.1 (see Appendix One).
- 13) Correct the Quantity Limits for each Class of Hazardous Substance table, in the Rural Volume, by amending the location of the note relating to quantities for 3a Aboveground storage to be at the end of the table (see Appendix One).
- 14) Correct the Quantity Limits for each Class of Hazardous Substance table, in the Rural Volume, by amending the quantity limit for class 7.1b Agrichemicals to express the limit as 1000 litres/kilograms (see Appendix One).

- 15) Amend the wording of the Plan to address inconsistencies between the two volumes and the nationally recognised classification system and controls of the HSNO legislation, as shown in Appendix One.
- 16) Include statement in section 3.2 of the respective Townships and Rural volumes of the Plan: "When assessing compliance with the provisions of the hazardous substances rules and when considering applications for resource consents involving storage, use, disposal or transportation of hazardous substances, the Council will consider the types and quantities of hazardous substances and the adequacy of controls and conditions on the hazardous substances at the application site, the location of the substances relative to sensitive environments and natural resources, and the degree of risk of flooding or earthquake in the area of the site. The Council will also have due consideration of any controls imposed by other legislation. This will include but will not be limited to the provisions of the Hazardous Substances and New Organisms Act 1996 and Regulations (including test certification, approved handler certificates, controlled substances licences and codes of practice issued by or recognised by ERMA), the Natural Resources Regional Plan and resource consents issued by the Canterbury Regional Council, and the Health and Safety in Employment Act 1992".
- 17) Amend the wording to exclude Liquefied Petroleum Gas (LPG) from the site containment conditions of the hazardous substances rules in each volume.

See also Appendix Two to this document for a summary of the changes to the hazardous substances quantity limits in both volumes.

Making a Submission

Any person may make a submission on the variation. The submission must be in the format of Form 5 of the Resource Management Act Regulations (Forms) 1991 – copies are available from the Council Services Centres at Leeston, Darfield, Rolleston and Lincoln or on the Council's website at www.selwyn.govt.nz.

A submission needs to include:

- Your name and contact details;
- The provisions which are being submitted on;
- Whether the person supports or opposes the variation;
- The reasons for the submission;
- The decision the person wants the Council to make; and
- Whether the submitter wishes to be heard in support of their submission.

The submission form needs to be signed and lodged with the Council by **5.00pm on Tuesday 14 November 2006**.

Process From Here

After submissions are closed, they will be summarised and advertised for further submissions.

The Council will then hold hearings for all submitters who requested to be heard in support of their submissions. The Council will make a decision on each submission. Each submitter will receive a copy of the Council's written decision on their submission and has 30 working days from that date to appeal any decision to the Environment Court.

Attachment 1

Section 32 Evaluation

1. Statutory Requirements of Section 32 of the Act

Under Section 32 of the Act, before the Council publicly notifies the changes promoted in this variation, it must carry out an evaluation to examine:

- the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

The evaluation is required to take into account:

- The benefits and costs of policies, rules, or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

2. Objectives of the Proposed District Plan

This variation does not intend to fundamentally alter the objectives of the PDP, although there is some rearrangement proposed to align the objectives within the two volumes of the Plan and removal of the term “use” (see details in section 3.3 of this report). This evaluation will therefore examine the extent to which the variation achieves the objectives of the PDP.

As this variation relates to a range of clauses, which apply to policies, rules and appendices throughout both volumes of the PDP, the provisions could be considered relevant to all the objectives of the PDP. The proposed amendments to the policies, rules and appendices will not alter the intent of any of the objectives but will clarify the application of the objectives through clarifying terms used through the PDP and the application of the rules to hazardous substances.

3. Analysis of Benefits and Costs¹ in relation to Definitions

The relevant assessment in this instance is whether the existing rules are the most appropriate method to clarify terms used within the PDP, what alternative rules (or amendments to the rules) could be introduced and what are the costs and benefits of the preferred amendments.

3.1 Cross Boundary Issues

3.1.1 The Issue

The Resource Management Act (RMA) Section 31 requires District Councils to control any actual or potential effects of the use, development, or protection of land, for the purpose of the prevention or mitigation of any adverse effects of

- the storage, use, disposal, or transportation of hazardous substances
- the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.

¹ The Act defines “benefits and costs” as including benefits and costs of any kind, whether monetary or non-monetary.

RMA section 74 requires that when preparing or changing a district plan, a territorial authority shall have regard to the Regional Policy Statement and any Regional Plan (the Natural Resources Regional Plan in the case of Canterbury).

At a regional level, the Council must ensure that the Plan is consistent with Environment Canterbury's Natural Resources Regional Plan (NRRP), which controls the storage of a limited range of substances to protect the region's water resources. The review of the RPS by ECan and decisions on the NRRP may also alter the situation with regard to the use of hazardous substances. ECan staff have indicated that the RPS revision is likely to significantly widen ECan's control of substances beyond the currently limited number of HSNO classes and situations. A further variation to hazardous substances provisions in the Plan may be required in due course to address these regional changes.

Significant cross boundary effects could arise at/near the common boundaries of Districts if the degree and nature of controls of hazardous substances in their District Plans differ significantly – e.g. risks to sensitive land uses or sensitive environments, land use incompatibility issues, cumulative effects of hazardous substances storage facilities in neighbouring Districts, soil contamination and ground/surface water contamination, transportation issues, emergency response issues, waste disposal issues, public concern about perceived and actual risks. At present, there are some significant inconsistencies in the quantity thresholds and site controls for permitted activities in the various districts surrounding Selwyn – e.g. Waimakariri District Council / Selwyn District Council and Christchurch City Council, Ashburton District Council / Selwyn District Council, etc.

ECan staff have also requested that acknowledgement of the interaction with the NRRP be included in the rules sections of the District Plan by inserting the following wording:

Any activity involving the storage, use, disposal, discharge or transportation of a hazardous substance may require resource consent from Environment Canterbury. Therefore, Environment Canterbury should be consulted.

This is seen as appropriate acknowledgement and also as assistance to users of the District Plan.

3.1.2 Options

The options for dealing with the cross boundary issues include:

- Leave the provisions within the district plan as they are currently (status quo);
- Provide a statement within the cross boundary issues table within each plan to outline the issue and insert the requested wording from ECan;
- Carry out a full review of the quantity thresholds and site controls within all district plans adjacent to Selwyn and alter the district plan accordingly.

3.1.3 Recommended option

The recommended option for dealing with this issue is to amend "Table 1 – Cross-Boundary Issues in Selwyn District", on Page 7 of both the Townships and Rural Volumes, by inserting the following into each table:

Issues	Local Authorities	Methods
...
Hazardous Substance Thresholds and Controls	Christchurch City Council, Westland District Council, Waimakariri District Council, Ashburton District Council, Hurunui District Council, Environment Canterbury, West Coast Regional Council	<ul style="list-style-type: none"> ▪ Liaison with relevant staff and representatives of other local authorities on hazardous substances issues of local and regional concern, with due consideration to relevant legislation and local and regional environmental issues ▪ Submissions and cross references on variations of hazardous substances provisions in District Plans and the NRRP to aim for consistent approach between plans, with due consideration to relevant legislation and local and regional environmental issues ▪ Submissions on changes to hazardous substances legislation and standards of relevance to the District Plan

And by inserting the wording requested by ECan at the beginning of each of the Hazardous Substances rules in both the Townships and Rural Volumes.

3.1.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Identification of a cross boundary issue so that all users of the district plan are aware of this • Easier use of the plan for the public. 	<ul style="list-style-type: none"> • Continuation of existing inconsistency between the Selwyn District Plan and other adjoining plans in relation to quantity thresholds and site controls.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.2 Consistency across the two volumes of the District Plan, with legislation and other controls relating to hazardous substances and their effects

3.2.1 The Issue

Both the Rural and Township volumes contain sections relating to the issues, objectives and rules for Hazardous Substances, but there are significant differences between the two volumes in respect of the wording of these provisions which has the potential for confusion in understanding and interpretation. In considering what changes should be made to address these inconsistencies, the Council needs to recognise the relevance and impact of legislation other than the Resource Management Act 1991, most importantly recent changes to the administration of hazardous substances at a national level brought about by the Hazardous Substances and New Organisms Act 1996 (HSNO) and its various regulations and controls.

The Council has limited powers and responsibilities under HSNO, which is administered mainly by various other agencies particularly in terms of the use

and application of hazardous substances in working situations. Other legislation administered by various other authorities directly controls aspects of hazardous substances management in New Zealand, i.e. the Transport Act 1962 and Land Transport Dangerous Goods Rule, the Radiation Protection Act 1965 and regulations, and the Health and Safety in Employment Act 1992, and the Building Act 1991.

The Council must determine to what level it wishes to replicate (or build on) such legislation and whether it is appropriate or necessary to extend or replicate controls deemed adequate by other controlling authorities. While HSNO addresses the protection of health and safety within the immediate environment of a facility or activity, it is appropriate for wider environmental issues and the community's concerns about hazardous substances to be addressed by the District Plan through the provisions of the Resource Management Act. This needs to be done with appropriate reference to HSNO, and the classification system and thresholds of hazard specified in the Hazardous Substances regulations.

At a regional level, the Council must also ensure that the Plan is consistent with Environment Canterbury's Natural Resources Regional Plan (NRRP), which controls the storage of a limited range of substances to protect the region's water resources. The review of the RPS by ECan and decisions on the NRRP may also alter the situation with regard to the use of hazardous substances. ECan staff have indicated that the RPS revision is likely to significantly widen ECan's control of substances beyond the currently limited number of HSNO classes and situations. A further variation to hazardous substances provisions in the Plan may be required in due course to address these regional changes.

Substantial rewriting of many of the hazardous substances provisions of the two volumes is necessary to align them as much as possible on the basis that the principle issues relating to environmental protection against the adverse effects of hazardous substances are the same for townships and rural areas. However it is reasonable to have different wording within the two volumes where they require a different emphasis (eg a specific emphasis on rural issues in the rural volume).

The Appendices of the two volumes also need to be amended to adopt the HSNO hazardous substances classification system, and the new subclasses identified in that process will result in some new quantity limits for permitted activities involving the manufacture, and storage of hazardous substances.

3.2.2 Options

The options for dealing with these inconsistency issues include:

- Leave the wording of the two volumes as it currently stands (status quo)
- Amend the wording of the Plan to address inconsistencies between the two volumes (as identified elsewhere in this Section 32 analysis), except for consistency issues with other legislation.
- Amend the wording of the Plan to address inconsistencies between the two volumes, including consistency issues with other legislation.

3.2.3 Recommended option

The recommended option for dealing with this issue is to amend the wording of the Plan to address inconsistencies between the two volumes, including consistency issues with other legislation, with respect to land uses involving hazardous substances and their effects.

3.2.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none">• Consistency of wording between the two volumes• Consistency with other legislation• Strengthened hazardous substances provisions of the Plan, giving more certainty in its interpretation, understanding and application	<ul style="list-style-type: none">• No costs are identified with this option

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.3 References to “use” of hazardous substances

3.3.1 The Issue

With the introduction of Environment Canterbury’s (ECan) Natural Resources Regional Plan (NRRP), greater control has been taken by ECan over the ‘use’ of some hazardous substances with respect to soil and water protection (most significantly the storage and use of agrichemicals). This involves some stringent standards such as those relating to certification of users under HSNO. While the current District Plan rules do state that they relate to ‘use and storage’ of hazardous substances, the general approach of the rules is to restricting the quantity and manner of storage and not to controlling use.

‘Use’ is heavily controlled by other authorities, especially the HSNO controls. The District Council has the option of also dealing with use or could choose to leave this control to the Regional Council and HSNO/ERMA regulations. This is already alluded to in the explanation and reasons for Hazardous Substances Objectives 1 and 2 in the Townships section and Objective 1 in the Rural section, which states *“The Council is satisfied that actual risk to peoples’ health and safety are most appropriately managed under the HSNO Act 1996 and the Health and Safety in Employment Act 1992”*. It is the Council’s preference not to control use but to focus on storage.

If the Council did want to control use, then there would be a need for revision to the policies and rules to cover this issue and decisions would need to be made on what substances to control the use of and why. The Council could also consider control of the use of a limited range of substances if these have been seen as a concern to the community. Introducing controls on use would also have implications on the Council staff resources in relation to monitoring and enforcement and could potentially lead to community concern relating to over-regulation.

As the Council has decided to leave the control of use to the Regional Council and other bodies, there is a need for revision of the objectives, policies and rules to remove unnecessary references to ‘use’ and refine the discussion on ‘use’. If these are left as they currently stand, the District Plan is ambiguous as it refers to use but does not actually control it.

The review of the RPS and decisions on the NRRP may also alter the situation with regard to the use of hazardous substances. ECan staff have indicated that the

RPS revision is likely to significantly widen ECan's control of substances beyond the currently limited number of HSNO classes and situations. A further variation to hazardous substances provisions in the Plan may be required in due course.

3.3.2 Options

The options for dealing with the control of 'use' issue include:

- Leave the wording as it currently stands (status quo)
- Revise the policies and rules to control use including the introduction of a range of provisions controlling use.
- Revise the objectives, policies and rules to remove references to use and to refine the discussion on use.

3.3.3 Recommended option

The recommended options for dealing with this issue is to remove unnecessary references to 'use' and refine the discussion on 'use'. This requires text amendments throughout the issues/objectives/policies and rules sections of both volumes as set out in Appendix One to this report.

This includes amendments to:

- The Issues, Objectives and Policies section in the Townships Volume.
- The Land Use Rules for Living Zones in the Townships Volume.
- The Reasons within the Land Use Rules for Living Zones in the Townships Volume.
- The Land Use Rules for Business Zones in the Townships Volume.
- The Reasons within the Land Use Rules for Business Zones in the Townships Volume.
- The Issues, Objectives and Policies section in the Rural Volume.
- The Notes at the beginning of Chapter VII Hazardous Substances in the Rural Volume.
- The Rule table in Chapter VII Hazardous Substances in the Rural Volume.
- The Cross referencing summary in Chapter VII Hazardous Substances in the Rural Volume.
- The Reasons for Rules in Chapter VII Hazardous Substances in the Rural Volume.

3.3.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Clear interpretation of the plan provisions in relation to use and storage of hazardous substances • Easier use of the plan for the public – able to understand that use is not controlled by the District Council. 	<ul style="list-style-type: none"> • No restriction on use at a District Council level.

<ul style="list-style-type: none"> • Less confusion for applying the rules • No double up of responsibility between the District Council, Regional Council and other authorities. 	
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The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.4 Objectives and Policies relating to Hazardous Substances

3.4.1 The Issue

Both the Rural and Township volumes contain a section in relation to the issues, objectives and policies for Hazardous Substances. These two sections are not the same with different wording in a number of areas leading to the potential for confusion in understanding and interpretation. While it is necessary in places to have different wording within the two volumes where there is a different emphasis (eg rural issues specifically in the rural volume), it is not necessary in the areas in which the issues are the same.

It is therefore considered necessary that the issues, objectives and policies be compared and made the same where the same issue is being dealt with, and left alone or only partly changed for the purpose of consistency where there is an issue relating to the specific volume eg rural or township. Making the two volumes as consistent as possible in this way reduces the risk of the differences causing inconsistencies in interpretation or application. This will not only achieve consistency of wording between the two volumes, but consistency with other legislation and greater certainty in the interpretation, understanding and application of the Plan.

3.4.2 Options

The options for dealing with the issue of differences between the issues include:

- Leave the wording as it currently stands (status quo)
- Revise the wording of the Plan to address inconsistencies between the issues, objectives and policies of the two volumes.

3.4.3 Recommended option

The recommended option for dealing with this issue is to revise the wording of the Plan to address inconsistencies between the issues, objectives and policies of the two volumes, by identifying common themes and concerns in the current wording and in the reasons and explanations for them, and other relevant matters that have common application. The revision will achieve a high level of consistency while accepting that differences may remain where they have a distinct relevance, for example to a particular zoning in the rural or township context to which they apply.

3.4.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Consistency of wording between the two volumes • Consistency with other legislation • Strengthened hazardous substances provisions of the Plan, giving more certainty in its interpretation, understanding and application 	<ul style="list-style-type: none"> • No costs are identified with this option

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.5 Disposal of Hazardous Substances

3.5.1 The Issue

Note 3 at the start of Rule VII of the Rural Volume states:

Rule VII does not apply to the disposal of any hazardous substance by use of it in accordance with the manufacturer's instructions, nor to empty containers which are disposed of in accordance with the manufacturer's instructions.

This note was discussed in the SDC decision report on Hazardous Substances, in which it was determined by the Hearings Panel that the reference to empty containers at the end of the note should be deleted as this implies that the manufacturer's instructions for disposal of the waste are adequate for disposing of the containers and are a suitable substitute for the rules in the District Plan. The Hearings Panel was of the opinion that this was not necessarily the case in all circumstances. While additional explanation of this could be provided, this may make the note more confusing for users of the District Plan.

It should also be noted that revision of the Issues, Objectives and Rules of the two volumes describes the Council's current position as a signatory to the Canterbury Hazardous Waste Management Strategy that is coordinated by Environment Canterbury. Under that strategy, the Council is currently moving to set up domestic hazardous waste reception and storage facilities in the District.

3.5.2 Options

The options for dealing with the disposal issue include:

- Leave the note as it currently is (status quo);
- Provide additional explanation that disposal of empty containers needs to be carried out in a managed way;
- Remove the reference at the end of the note.

3.5.3 Recommended option

The recommended option for dealing with this issue is to amend note 3 at the start of Rule VII of the Rural Volume as follows:

~~"Rule VII does not apply to the disposal of any hazardous substance by use of it in accordance with the manufacturer's instructions, nor to empty containers which are disposed of in accordance with the manufacturer's instructions."~~

3.5.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none">• Clear interpretation of the plan.• Easier use of the plan for the public – able to understand what the note means.• Less confusion for applying the rules.• Less risk of empty containers being disposed of in an uncontrolled manner, which could risk the environment.	<ul style="list-style-type: none">• Potentially a restriction on the manner in which empty containers are disposed if the manufacturers instructions conflict with the District Plan rules.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.6 References to the Resource Management Act 1991

3.6.1 The Issue

Within the Hazardous substances – Issue sections of each volume of the Plan (page 117 of Townships section, page 131 of Rural section) there is a reference to “the Act”. This sentence is ambiguous as it is unclear what Act is referred to and it is presumed that the Act is the Resource Management Act 1991.

The Act referred to should be the Resource Management Act in the context of the District Plan being prepared under the Resource Management Act and also as the definition of Hazardous Substances is recommended to be aligned with the Resource Management Act definition (see section 3.7)

3.6.2 Options

The options for dealing with this issue include:

- Leave the wording the way it currently is (status quo);
- Amend the wording to refer to the Resource Management Act;
- Amend the wording to refer to HSNO.

3.6.3 Recommended option

The recommended option for dealing with this issue is:

Amend the wording to refer to the Resource Management Act as follows:

Hazardous substance is defined in section 2 of the Resource Management Act 1991 to include, but is not limited to, any substance defined in section 6 of the Hazardous Substances and New Organisms Act 1996 (HSNO) as a hazardous substance. ~~Act as being similar to, but wider than [R15.4] the definition in section 6 of the Hazardous Substances and New Organisms Act 1996 (HSNO).~~

3.6.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none">• Clear interpretation of the Plan provisions and references.• Greater clarity in the relationship with the Resource Management Act.	<ul style="list-style-type: none">• No costs identified.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.7 The definition of Hazardous Substances

3.7.1 The Issue

The decision report on Hazardous Substances discussed the need for changes to the wording of the sections entitled "What is a Hazardous Substance?" in the issues sections of the two volumes and identified the need for a change in wording of those sections as the definition in the Resource Management Act is "similar to, although wider than" that in the HSNO Act rather than "the same as". This amendment was made to these sections of the plans, but the decision noted that no change was made to the definitions as that was seen as out of the scope of the submission being addressed at that time.

The Council needs to clarify the definition of 'Hazardous substance' in the Plan, so that there is consistency between the Issues and Rules of the Plan, and with relevant legislation, to avoid any uncertainty in intent or interpretation for application of the rules. The following ambiguities have been noted:

- *Hazardous substances – Issues* (page 117 of Townships section, page 131 of Rural section) states that "the Act" (presumably meaning the RMA) defines hazardous substance as being "similar to, but wider than the definition in section 6 of the HSNO Act 1996". This is incorrect, as the definition is in section 2 of HSNO.
- A slightly condensed version of the HSNO definition is given in the Issues sections but the full text is in the 'Legislation referred to in the Definitions Section' subsection of the Rules definitions. These changes in wording are confusing.
- The correct wording of the RMA definition is:

'Hazardous substance' includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

Whereas the definition on page 415 of the Townships rules and page 387 of the Rural rules states:

"Hazardous substance includes any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996".

It is recommended that the full definitions of the RMA and HSNO should be stated in the Issues sections for clarity, and that the Council should consider using the full RMA definition in the Rules sections if it wishes to control hazardous substances (including wastes and other substances that do not have a specific HSNO classification.)

The current omission in the District Plan definition of the words “but not limited to” from the RMA definition may limit the Council’s ability to control substances that are not HSNO hazardous substances but may have significant environmental effects, such as bulk liquids and industrial wastes that may not be covered by a HSNO classification. Although there is no definition of ‘hazardous waste’ in HSNO or RMA, the RMA definition of ‘hazardous substance’ is wide enough to include waste as it includes hazardous substances that are not defined by HSNO.

While this may not be a major issue at the present time, there is the potential for district level issues to arise and providing for flexibility within the definition is appropriate.

The Council may wish to consider including a definition of hazardous waste in the Plan, however as the Canterbury Hazardous Waste Strategy explains, there is currently no single, national definition for hazardous wastes. In the District Plan, the commentary on ‘waste’ in Waste Disposal –Issues (page 115, Rural, page 100, Townships) currently says that waste including ‘toxic substances’ is known as ‘hazardous waste’; however this is inconsistent with HSNO where toxicity is only one of a number of characteristics (explosiveness, flammability, oxidising, corrosiveness) that could make waste hazardous. The RPS and NRRP (Chapter 4 Water Quality) definition is

“Hazardous wastes - means waste material, including its containers or packaging, containing hazardous substances either singly or in combination with other material.”

However adopting this definition may limit the Council’s ability to control substances that are not HSNO hazardous substances but may have significant environmental effects, because the NRRP/RPS definition of ‘hazardous substance’ is the same as the HSNO definition which is narrower than the RMA definition.

If the Council wants to include a definition of waste in the Plan, it should be included in the Rules sections and not only the Issues sections, and should be consistent in all sections, to avoid uncertainty in the application of the Plan. It is recommended that this matter be considered further at the time of future reviews to the District Plan.

3.7.2 Options

The options for dealing with the definition of hazardous substances issue include:

- Leave the existing issues sections and definitions as they currently are (status quo);
- Amend the issues sections and definitions in both volumes of the Plan to use the HSNO definition of hazardous substances;
- Amend the issues sections and definitions in both volumes of the Plan to use the RMA definition of hazardous substances.

3.7.3 Recommended option

The recommended options for dealing with this issue is:

- Amend the issues section of both the Townships and Rural volumes of the Plan to refer to the Resource Management Act definition of hazardous substances (see Appendix One).
- Amend the definition of hazardous substances in both the Townships and Rural volumes of the Plan as follows:

'Hazardous substance' includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

3.7.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Clear interpretation of the Plan definitions. • Greater consistency with the Resource Management Act. • More appropriate coverage of substances able to be covered under the definition. 	<ul style="list-style-type: none"> • Less restriction on the substances able to be covered under the definition.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.8 Waterway setbacks

3.8.1 The Issue

The common areas of the rules between the Townships and Rural volumes of the Plan are reasonably consistent except that, for an unknown reason, Business zones are not subject to the waterway setback of 20 metres that applies in Living zones and Rural zones. While there may not currently be situations where this could apply, there is the potential that in the future re-zoning could occur and lead to inconsistency in the application of this rule and a lack of protection for waterways.

3.8.2 Options

The options for dealing with the waterways issue include:

- Leave the district plan provisions as they are (status quo);
- Amend the Business zone rules to provide for a 20 metre setback from any waterbody.

3.8.3 Recommended option

The recommended option for dealing with this issue is to amend Rule 2 in the Land use rules for Business Zones, in the Townships Volume as follows:

2.1.4 Any hazardous substance(s) is/are not stored within 20 m of any waterbody.

3.8.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Protection for waterbodies from potential impacts of hazardous substance storage. • Consistency in the application of the rules across all zones. 	<ul style="list-style-type: none"> • Potentially a restriction on the area of business zoned land where hazardous substances may be stored.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.9 References to Codes of Practice

3.9.1 The Issue

Within the Townships volume, the 'Other activities Rule 2.3' (page 301) references the following Code of Practice and Standard² as means of compliance for controlled activities involving bulk storage of petroleum products and LPG (at service stations and truck stops):

- (a) 'Code Of Practice for Design, Installation and Operation of Underground Storage Tanks'; and
- (b) 'Australian/New Zealand Standard 1596:1997', Storage and Handling of LP Gas".

These documents have been adopted by ERMA as default means of compliance for sites involving the storage of petrol and LPG that require HSNO location test certificates. The Council can therefore remove the present conditions and references to Codes Of Practice and standards without compromising the Rule.

3.9.2 Options

The options for dealing with this issue include:

- Leave the wording the way it currently is (status quo);
- Amend the wording to remove reference to the code of practice and standard.

3.9.3 Recommended option

The recommended option for dealing with this issue is:

Amend the wording within rule 2.3(a) and 2.3(b) (Exceptions), in the Townships volume in relation to Land Use rules for Business zones, as follows:

2.3 Exceptions [R15.3]

- (a) The storage and retail sale of petrol (up to 100,000 litres storage in underground tanks) and diesel (up to 50,000 litres in underground tanks) at service stations and/or truck stops shall be a controlled activity and will not require the written consent of other persons and shall be non-notified, ~~provided that the "Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems" (Department of Labour) is complied with. [R15.3]~~
- (b) The storage and sale of LPG (up to 6 tonnes, single vessel storage) at service stations and/or truck stops is a controlled activity and will not

² 'Code Of Practice for Design, Installation and Operation of Underground Storage Systems (Department of Labour)' and 'Australian/New Zealand Standard 1596:1997, Storage and Handling of LP Gas'.

require the written consent of other persons and shall be non-notified, ~~provided that the "Australian/New Zealand Standard 1596:1997, Storage and Handling of LP Gas" is complied with.~~
[R15.3]

3.9.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Clear interpretation of the Plan provisions. • Easier use of the plan for the public. • No ambiguity over the relationship with other documents. 	<ul style="list-style-type: none"> • No costs identified.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.10 References to external documents

3.10.1 The Issue

In the Classes of Hazardous Substances tables in both the Townships and Rural volumes of the Plan, under both 2.2 Toxic Gases and 7.1a Poisonous Substances, there is reference to "*the United Nations Recommendations on the Transport of Dangerous Goods, 7th Revised Edition, or its subsequent revisions*".

Case law³ says that you may not refer to any subsequent revisions of a document and you must carry out a variation to the plan to update it to refer to changes in documents being referred to. Therefore the "or its subsequent revisions" wording must be removed.

As the Classes of Hazardous Substances table is proposed to be revised to reflect the HSN0 classifications (see elsewhere in this document), this will also negate the need to refer to the UN recommendations, as the Hazardous Substances (Classification) Regulations 2001 cite the 11th version of the Code.

3.10.2 Options

The options for dealing with this issue include:

- Leave the wording as it currently is (status quo);
- Amend the wording to remove reference to the external documents.

3.10.3 Recommended option

The recommended option for dealing with this issue is:

Amend the wording within the Classes of Hazardous Substances tables in both the Townships and Rural volumes of the Plan, under both 2.2 Toxic Gases and 7.1a Poisonous Substances, to remove reference to the external documents, as shown in Appendix One.

³ Bodle v Northland Regional Council A225/2003.

3.10.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none">• Compliance with case law in relation to the use of external documents.• Clarity in the nature of the provisions without reference to another document.	<ul style="list-style-type: none">• No costs identified.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.11 Correction of typographical errors

3.11.1 The Issue

Three typographical errors have been identified within the Rural Volume, Appendix 15, as follows:

- In the Classes of Hazardous Substances table, in the left-most column in relation to Oxidising Substances, this is referred to as 5.1 and should be 5. This is incorrect and confusing as it could lead users of the Plan to be unclear over what reference is made to Oxidising Substances.
- In the Quantity Limits for each Class of Hazardous Substance table, the note relating to 3a Aboveground storage is located within the table rather than at the end. This is confusing for users of the Plan as they may have difficulty in locating the note and may therefore not be able to interpret the provisions accurately.
- In the Quantity Limits for each Class of Hazardous Substance table, the quantity limit for class 7.1b Agrichemicals is listed as 1,000 litres rather than 1,000 litres/kilograms. The current wording precludes control of non-liquid agrichemicals, eg powders which are used as commonly as liquids.

3.11.2 Options

The options for dealing with these issues include:

- Leave the wording as it currently stands (status quo);
- Amend the wording to correct the typographical errors.

3.11.3 Recommended option

The recommended options for dealing with these issues are to correct the typographical errors as shown in Appendix One.

3.11.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Correction of errors. • Less confusion for applying the rules. 	<ul style="list-style-type: none"> • No costs identified.

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.12 Alignment of the Hazardous Substances provisions with HSNO

3.12.1 The Issue

The Hazardous Substances provisions in the Plan, and the system used to classify and describe hazardous substances in the Hazardous Substances Appendices of both volumes predates the HSNO legislation, and are now out of date. The current numbering system for the various classes of substances is not consistent with any other recognised system, and it is now appropriate to revise the classifications in the Plan to be consistent with the system of the Hazardous Substances (Classification) Regulations 2001.

The HSNO system classifies hazardous substances recognisably in much the same way as the current system, i.e. in a hierarchy of subclasses according to their degree of hazard, however the new HSNO system is closely linked to the classifications and descriptions used in the *United Nations Recommendations on the Transport of Dangerous Goods, 11th Revised Edition*. The Hazardous Substances (Classification) Regulations refer to these 'UN Model Regulations' and to the associated 'UN Manual of Tests and Criteria'.

The threshold quantity limits for resource consents in the Appendices are a convenient measure to use to distinguish between small-scale activities where effects are likely to be minor, and larger scale activities that require resource consent. The current quantity limits were established with regard to quantities of explosives, flammable liquids and solids, and oxidizing agents that were licensed previously throughout the District by the Council under the provisions of the Dangerous Goods legislation which has been superseded by HSNO. HSNO

For substances where the current classification system of the District Plan does not align with the new HSNO system, new threshold quantity limits are proposed for the reclassifications that HSNO has introduced. Those limits have been derived with due consideration to the HSNO controls, to national guidelines and procedures published and advocated by the Ministry of the Environment and the Environmental Risk Management Authority, to the Natural Resources Regional Plan, and to District Plans published by other territorial local authorities. For substances where the District Plan's existing classifications have not been changed by HSNO, it is proposed to retain the current quantity limits as they have been shown to be workable in the resource consent context without any apparent disadvantage to the Council or its customers. In that respect they are considered to still reflect local conditions and requirements.

It should be noted that the quantities of hazardous substances listed in the appendices are quite different in places from quantities in other District Plans. There is the potential to review neighbouring District plans to try and develop consistency between Selwyn and other districts, however it is not immediately desirable to align Selwyn District with other neighbouring districts eg Christchurch, which is primarily urban, or with other primarily rural districts eg Ashburton, particularly as the classification systems used by those authorities are not consistent with HSNO. It is recommended that this matter be considered

further at a future review of the hazardous substances issues in this Plan and those of other Districts, in liaison with those territorial authorities.

For the purposes of this plan change it has however been relevant to consider the Plans of other Districts that have recently aligned their hazardous substances provisions with HSNO, for example Tauranga District, Western Bay of Plenty District, Gisborne and Hastings. Those Districts have adopted the Ministry for the Environment's Hazardous Facilities Screening Procedure (HFSP), which adopts the HSNO classification system and applies a formulaic risk factoring approach to determine thresholds for resource consents. The HFSP requires the Council to derive and adopt single-figure or decimal fraction indices (not quantity limits) in a Matrix which resource consent applications must then be compared to, following the adjustment of the quantities proposed in an application by a number of environmental risk factors. While arguably the HFSP provides a consistent assessment method for use by any authority that adopts it, examination of the aforementioned district's Plans shows that the application of the HFSP approach varies from district to district and has been significantly modified in several instances. The Selwyn District Council has noted that the HFSP has been almost exclusively adopted by North Island Districts, but it is not convinced that it provides any clear benefits over the existing and proposed quantity limit approach, particularly given the complexity of establishing a Matrix and the associated need for staff training to implement it.

Some HSNO classes are not listed in the appendices because they are not considered to have a significant hazard rating in the land-use planning context. In this case, no restrictions apply under the District Plan. However, many hazardous substances have more than one HSNO class or category. Where this is the case, the most restrictive class or category will be applied, as this recognises the possible extent of the health and safety risks associated with the substance.

The proposed revisions relating to this matter substantially address the issues raised by the NZ Federation of Fruit and Vegetable Growers in their appeal on the current provisions of the Plan, which identified the need to amend parts of the classes and quantities within the appendices to provide greater consistency with other documents relating to the management of agrichemicals, especially HSNO and NZS8409:2004 *Management of Agrichemicals* which is recognised as a Code of Practice for compliance with HSNO by the Environmental Risk Management Authority (ERMA).

3.12.2 Options

The options for dealing with the issue of aligning the Plan provisions with HSNO include:

- Leave the wording as it currently stands (status quo);
- Amend the wording of the Plan to address inconsistencies between the two volumes and the nationally recognised classification system and controls of the HSNO legislation.

3.12.3 Recommended option

The recommended option for dealing with this issue is to amend the wording of the Plan to address inconsistencies between the two volumes and the nationally recognised classification system and controls of the HSNO legislation, as shown in Appendix One.

3.12.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none">• Clear interpretation of the Plan provisions.• Adoption of recognised classification systems and reference to relevant legislation• Easier use of the plan for the public	<ul style="list-style-type: none">• Potential regulation of a wider range of hazardous substances in the District Plan may result in extra costs to the community

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

Note: Appendix Two provides a summary of the changes to the hazardous substances quantities within each volume of the Plan.

3.13 Reference to HSNO and related documents as a measure of compliance assessment

3.13.1 The Issue

The NZ Federation of Fruit and Vegetable Growers had sought as relief in an appeal to the District Plan decisions, that NZS8409:2004 should be used as the threshold in determining small scale and large scale hazardous substances storage, and that the Council should accept compliance with the Standard as a means of determining permitted activity status for agrichemical merchants and users.

The Council considered that this method would not necessarily sit well with the resource consent process, as the Standard itself makes it clear that it is intended to complement, but not replace District Plan provisions. The Council may also be obligated to prove compliance in instances where agrichemicals are present, which would almost certainly require additional Council staff resources, and incur significant training and administration costs.

The Council is also mindful of difficulties in referencing other documents in the Plan (as discussed in section 3.10.1 of this Variation), however it accepts that such documents are relevant to the assessment of consent applications involving hazardous substances. It is therefore proposed that a statement be included in section 3.2 of both volumes recognising the relevance of such documents. This would ensure consistency with HSNO and other relevant documents without creating uncertainty of application.

3.13.2 Options

The options for dealing with the issue of appropriate reference to HSNO and related documents as a measure of compliance assessment include:

- Leave the wording as it currently stands (status quo);
- Amend the wording of both volumes, recognising the relevance of HSNO codes of practice and other documents in assessing resource consent applications.

3.13.3 Recommended option

The recommended options for dealing with this issue is to amend the wording of section 3.2 of both volumes, to include the following statement:

"When assessing compliance with the provisions of the hazardous substances rules and when considering applications for resource consents involving storage, use, disposal or transportation of hazardous substances, the Council will have due consideration to any controls imposed by other legislation and related Standards. This will include but will not be limited to the provisions of the Hazardous Substances and New Organisms Act 1996 and Regulations (including test certification, approved handler certificates, controlled substances licences, codes of practice issued by or recognised by ERMA,), the Natural Resources Regional Plan and resource consents issued by the Canterbury Regional Council, and the Health and Safety in Employment Act 1992."

3.13.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Clear interpretation of the Plan provisions. • Easier use of the plan for the public • Compliance with case law in relation to the use of external documents. • Clarity in the nature of the provisions without specific reference to another document. • Recognition of other relevant documentation • No ambiguity over the relationship with other documents. 	<ul style="list-style-type: none"> • No costs have been identified for this option

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

3.14 Site containment requirements for Liquefied Petroleum Gas (LPG)

3.14.1 The Issue

The rules in both volumes specify conditions for permitted activities storing hazardous substances, including the following requirement to avoid uncontrolled spillage or leakage of hazardous substances from a site:

"Any area used to store the hazardous substance or goods treated with the hazardous substance has an impervious surface which:

- *Is separated from the bare ground;*
- *Is designed to contain any runoff of the substance or water contaminated with the substance;*
- *Has a minimum area able to be used to contain the hazardous substance amounting to:*

- (i) *the amount of containment available is no less than 110% of the total volume of stored hazardous substance where the area is roofed; or*
- (ii) *120% of the volume of any stored hazardous substance where the area is unroofed."*

This requirement is not relevant to the safe containment of Liquefied Petroleum Gas (LPG), which presents a significantly greater health and safety risk (fire/explosion) if leakage is contained within a confining structure. It should be noted that LPG has no potential to contaminate water or soil resources or to bioaccumulate.

3.14.2 Options

The options for dealing with these issues include:

- Leave the wording as it currently stands (status quo);
- Amend the wording to exclude Liquefied Petroleum Gas (LPG) from the site containment conditions of the hazardous substances rules in each volume.

3.14.3 Recommended option

The recommended option for dealing with this issue is to amend the wording to exclude Liquefied Petroleum Gas (LPG) from the site containment conditions of the hazardous substances rules in each volume.

3.14.4 Costs and Benefits

The following table assesses the costs and benefits of the recommended option:

Benefits	Costs
<ul style="list-style-type: none"> • Protection of the immediate environment and avoidance of health and safety concerns relating to the confinement of LPG leaks 	<ul style="list-style-type: none"> • No costs have been identified for this option

The benefits of the recommended option are considered to outweigh the costs and therefore it is considered to be an appropriate means of achieving the objectives and policies of the Plan.

4. Consultation

The Council consulted with the statutory bodies listed in Clause 3 of the First Schedule before notifying the variation. These included:

- Environment Canterbury
- the New Zealand Vegetable and Potato Growers' Federation Inc and New Zealand Fruitgrowers Federation.

Responses were received from both Environment Canterbury and the New Zealand Vegetable and Potato Growers' Federation Inc and New Zealand Fruitgrowers Federation.

VOLUME ONE: TOWNSHIPS

SECTION TWO: ISSUES, OBJECTIVES AND POLICIES, SECTION 3. PEOPLE’S HEALTH, SAFETY AND VALUES, SECTION 3.2 – HAZARDOUS SUBSTANCES

3.2 - HAZARDOUS SUBSTANCES

I - ISSUE

1. *Adverse effects on the human and natural environments from the manufacture, storage, transport on waterbodies or disposal of hazardous substances.*
2. *Adverse effects on land and soils, waterbodies or other parts of the environment from accidental or deliberate spillage, leakage, or discharge of hazardous substances in the course of their manufacture, storage or disposal.*
3. *Adverse effects on the amenity values of townships from activities involving the manufacture, storage or disposal of hazardous substances.*

~~Adverse effects on the environment from the manufacture, use, transport or disposal of hazardous substances.~~

i. What is a Hazardous Substance?

Hazardous substance is defined in section 2 of the Resource Management Act to include, but is not limited to, any substance defined in section 6 of the Hazardous Substances and New Organisms Act 1996 (HSNO) as a hazardous substance. ~~Act as being similar to, but wider than [R15.4] the definition in section 6 of the Hazardous Substances and New Organisms Act 1996 (HSNO). The definition in that Act is:~~

~~“Any substance with one or more of the following characteristics: explosiveness, flammability, a capacity to oxidise, corrosiveness, toxicity (acute or chronic), ecotoxicity with or without bioaccumulation; or which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified above.”~~

HSNO Section 6 states:

“Hazardous substance means, unless expressly provided otherwise by regulations, any substance

(a) with one or more of the following characteristics:

- (i) explosiveness,
- (ii) flammability,
- (iii) a capacity to oxidise,
- (iv) corrosiveness,
- (v) toxicity (acute or chronic),
- (vi) ecotoxicity with or without bioaccumulation;

or

(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified above.”

ii. What are the Issues?

Hazardous substances of various kinds are in widespread use in the Selwyn District and are an essential part of everyday life. Common examples of hazardous substances are agrichemicals and animal remedies in the rural sector of

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the community, timber preservatives and strong acids and alkalis in the industrial and commercial sector, and garden sprays in the domestic sector. Other substances such as LPG, petroleum hydrocarbon fuels and lubricants, solvents, paints, pool chemicals and household cleaning agents are in widespread use across all sectors. Wastes generated by all sectors also contain hazardous substance residues, such as industrial processing wastes, packaging and containers, dead batteries and waste oil, paints and solvents, depleted or surplus agrichemicals and garden sprays.

While the presence of hazardous substances in the community is generally accepted, there is potential for significant adverse effects to the natural, rural and urban environments if hazardous substances and their locations, storage, transport, use and disposal are not managed or controlled appropriately. The potential adverse effects if hazardous substances are spilled, leak or escape from their containment or are discharged into the environment in an uncontrolled manner by accident or during their application or use include

- effects on human health through skin contact, ingestion or inhalation
- effects on the health of farm stock and domestic animals
- damage to plant crops, windbreaks, plantations, landscape planting and other vegetation
- damage to natural flora and fauna
- contamination of the food chain, including chemical residues in farm stock and crops
- damage to the life-sustaining or aesthetic qualities of water and soil resources and ecosystems
- effects on ancestral lands, sites and other taonga of value to Tangata Whenua
- aesthetic and health effects arising from the development, improvement or occupation of land contaminated by hazardous substances
- devaluation of rural, residential, conservation and recreation amenity values of land that has been contaminated by hazardous substances
- perceived and actual risks and public concerns associated with the location of facilities and activities involving hazardous substances, with respect to residences, schools, conservation areas, recreational areas, waterbodies and other sensitive land use areas and sensitive environments
- reverse sensitivity effects on rural land use involving hazardous substances, from residential and other more sensitive activities establishing in rural areas

~~Small quantities of hazardous substances are used everyday in domestic cleaning and gardening; and larger quantities in industrial, manufacturing and agricultural activities. Activities involving hazardous substances can have potential adverse effects, depending on the type and quantity of the substance and how it is managed. Effects can include:~~

- ~~• Effects on people's health if substances leak into air, soil or water. Effects may be from direct exposure to the contaminant or indirect exposure if it passes into food chains.~~
- ~~• Effects on other species and the amenity values of areas, if substances leak into soil, water or air. [R15.2]~~
- ~~• Combustible or explosive hazardous substances not appropriately stored and endangering people or property.~~
- ~~• Anxiety among people who live close to areas where hazardous substances are manufactured, used, stored or disposed of, and perceive there may be risks to people's health or safety or the environment. [R15.2]~~

~~When hazardous substances are manufactured or used, any by products, unused substances and used containers need to be disposed of. The Selwyn District does not have any facilities for the collection or disposal of hazardous substances, by products or containers in the District. The geographic spread of people using hazardous substances in the District increases the cost of collecting hazardous substances and containers for appropriate disposal, relative to areas such as Christchurch City, where people and activities are more concentrated.~~

~~The Council has recently adopted the Canterbury Hazardous Waste Management Strategy. This Strategy promotes regionally co-ordinated management of hazardous waste. In addition, the Council is currently in the process of setting aside land for the establishment of a Resource Recovery Centre. This is a major component in the District's goal of achieving Zero Waste to Landfill by 2015. Although this facility will not provide facilities for the disposal of hazardous substances, it will provide~~

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~~environmentally sound facilities for the temporary storage of these wastes before they are transported to region wide waste disposal facilities. [R15.7]~~

iii. ~~Hazardous Substances and the Act~~

~~Regional and District Councils have functions for managing the effects of the ‘use, storage, transport and disposal’ of hazardous substances, under the Act. Policy 1, Chapter 17 of the RPS (p. 261) sets out in more detail how those functions are shared between Environment Canterbury and District Councils (territorial local authorities) in Canterbury.~~

~~In summary, Environment Canterbury manages:~~

- ~~— Any discharge of hazardous substances;~~
- ~~— Hazardous substances in the Coastal Marine Area;~~
- ~~— Transportation of particular [R15.2] hazardous substances through water bodies via a pipe; and~~
- ~~— Has a role in co-ordinating the management of hazardous substances in the Region.~~
- ~~— The use, storage, transportation and disposal of specified substances (including petrochemicals and timber treatment chemicals) where they may affect water quality. [R15.2]~~

~~District councils are responsible for the rest.~~

iv. ~~Other Legislation~~

~~Other specific statutes which also address some issues associated with hazardous substances include:~~

- ~~• The Hazardous Substances and New Organisms Act 1996 (HSNO) addresses effects on people’s health and safety from the manufacture, use and storage of hazardous substances.~~
- ~~• Transport Act 1962 addresses the transport of hazardous substances.~~

- Clauses F3 and C1 of the Building Act 1991 contain requirements relating to the storage and containment of Hazardous Substances.

(iii) Regulatory controls

The Hazardous Substances and New Organisms Act 1996 (HSNO) and Hazardous Substances regulations are the principal legislation controlling the introduction, manufacture, use, storage and disposal of hazardous substances. Substances are classified numerically according to their hazardous characteristics, and the regulations and associated codes of practice and other instruments set specific baseline standards for storage, handling and emergency response for each class of substance and the facilities and activities involving them. HSNO has revoked earlier legislation, including the Dangerous Goods Regulations which the Council previously administered.

The Council has limited powers and responsibilities under HSNO, which is administered mainly by other agencies particularly in terms of the use and application of hazardous substances in working situations. It should be noted that HSNO protects health and safety within the immediate environment of the facility or activity, whereas community issues and concerns must be addressed through the provisions of the Resource Management Act via the Regional Policy Statement, the Regional Plan and District Plans.

Regional and District Councils have functions for managing the effects of the use, storage, transport and disposal of hazardous substances, under the Resource Management Act 1991. Chapter 17 (p. 261) of the Regional Policy Statement sets out in more detail how those functions are shared between Environment Canterbury and territorial local authorities in Canterbury.

In summary, Environment Canterbury has a co-ordinating role in the management of hazardous substances in the Region, with specific responsibilities to manage

- Any discharge of hazardous substances;
- Hazardous substances in the Coastal Marine Area;
- The use, storage, transportation and disposal of specified substances (including petrochemicals, agrichemicals, organic solvents, timber treatment chemicals, and toxic metals) where they may affect water quality.

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The Draft Natural Resources Regional Plan (Air Quality and Water Quality chapters) control storage and use of the specified substances. Of particular significance to Selwyn District is the restriction of new development involving hazardous substances storage on land in the Christchurch Groundwater Recharge Zone which covers part of the District's north-east.

District and city councils in the Canterbury region are responsible for developing objectives, policies and rules relating to the control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of any hazardous substances except where they are controlled by Environment Canterbury. In setting those objectives, policies and rules, the Council must ensure those provisions are consistent with the RMA and HSNO, and also be mindful of other legislation associated with the control of hazardous substances.

(iv) Other Legislation

- The Transport Act 1962 controls the transport of hazardous substances, through the Ministry of Transport's Land Transport Dangerous Goods Rule which is enforced by the NZ Police. Incompatible substances must be segregated, loads must be secured and commercial loads must be placarded appropriately. The Council has no involvement with the Rule, but can consider controlling routes for the transport of hazardous substances through its District Plan and resource consents for environmental effects reasons.
- The Radiation Protection Act 1965 and the 1982 Regulations control radioactive materials. They are administered by the National Radiation Laboratory, a business unit of the Ministry of Health. The Council may control the location of activities where radioactive materials are present, to address local concerns.
- The Building Act 1991 contains requirements relating to the storage and containment of Hazardous Substances. The Council applies these provisions through the building consent process, at which stage the requirements of the Building Code can be coordinated with District Plan considerations.
- The Health and Safety in Employment Act 1992 addresses workplace safety and is administered by the Department of Labour's Occupational Safety and Health Division (OSH). Workplaces are required to have health and safety

plans in place, which must be consistent with HSNO with respect to hazardous substances management and emergency response.

(v) Hazardous waste management

Hazardous wastes may contain residues of hazardous substances in quantities or concentrations that have the same potential effects as those substances. The unauthorized disposal of hazardous wastes is often the cause of soil and water contamination. A number of hazardous waste collection, treatment and disposal operators are based in Christchurch or handle their business through there, and their services are available to the District's waste generators.

The Council has recently adopted the Canterbury Hazardous Waste Management Strategy, which promotes the regionally coordinated management of hazardous waste. Under that strategy, the Council has established a Resource Recovery Centre which is a major component in the District's goal of achieving Zero Waste to Landfill by 2015. The Centre provides environmentally sound facilities for the temporary storage of domestic hazardous wastes that are dropped off by the public, and for hazardous waste materials that are recovered from the landfill waste stream. The wastes are stored temporarily before they are transported to hazardous waste treatment and disposal contractors.

II - STRATEGY

The district plan uses the following basic strategy to address issues with Hazardous Substances:

- The Council accepts that HSNO controls immediate effects on people's health and safety from the manufacture, use and storage of hazardous substances, and that specific legislation administered by other agencies primarily controls use in workplace situations, transport, building development, and radioactive substances.
- The district plan focuses on matters that are not covered by other, more specific legislation or the functions of the Regional Council.

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- Policies and rules are implemented to avoid hazardous substances being stored or disposed of in places where, if they spill or leak, serious environmental effects will occur.
- Controls are imposed over the manufacture, storage and disposal of hazardous substances to protect the amenity values of areas and people's sense of well-being.
- Ensuring that activities in the district that use or produce large quantities of hazardous substances have appropriate disposal plans.
- Managing the use of land which is contaminated by hazardous substances is addressed in Part 2, Section 1.1 – Land and Soil.

~~The district plan uses the following basic strategy to address issues with Hazardous Substances:~~

- ~~• The plan focuses on matters that are not covered by other, more specific legislation or the functions of Regional Councils.~~
- ~~• Policies and rules to avoid hazardous substances being used, stored or disposed of in places where, if they spill or leak, serious environmental effects will occur.~~
- ~~• Controls over the manufacture, use, storage and disposal of hazardous substances to protect the amenity values of areas and people's sense of well-being.~~
- ~~• Ensuring that activities in the district that use or produce large quantities of hazardous substances have appropriate disposal plans.~~
- ~~• Managing the use of land which is contaminated by hazardous substances is addressed in Part 2, Section 1.1 – Land and Soil.~~

~~The Council is satisfied that regulations made under the HSNO 1996 are the appropriate methods to deal with actual effects on people's health and safety from the manufacture, use and storage of hazardous substances.~~

III - OBJECTIVES, POLICIES AND METHODS

i. Objectives

1. To ensure that adequate measures are taken to avoid, remedy or mitigate any adverse effects to human health, to the amenity of townships, the rural environment and to the natural environment arising from the manufacture, storage, transport on water bodies and disposal of hazardous substances.
2. To ensure that adequate measures are taken during the manufacture, storage and disposal of hazardous substances to avoid, remedy or mitigate any adverse effects to the health of livestock and other farm animals, of domestic animals, and of flora and fauna.
3. To ensure that adequate measures are taken during the manufacture, storage and disposal of hazardous substances to avoid, remedy or mitigate any adverse effects to the life-sustaining capacity and amenity values of waterbodies, land and soil resources.
 1. ~~To ensure that hazardous substances are manufactured, used, stored, transported and disposed of with minimal adverse effects on people or other parts of the environment.~~
 2. ~~To ensure that adequate measures are taken to avoid, remedy or mitigate any adverse effects on health and safety arising from having quantities of hazardous substances in residential areas (Living zones).~~

Explanation and Reasons

Hazardous substances of various kinds are in widespread use in the Selwyn District and are an essential part of everyday life. Hazardous substances are necessary tools for many agricultural and industrial activities and some domestic ones. By their nature, hazardous substances carry an inherent risk of adverse effects, should an accident occur. The accidental or deliberate spillage, leak or disposal or inappropriate use of

hazardous substances could adversely affect the District's natural resources and primary production resources, and the health of humans, farm and domestic animals and flora and fauna. The presence of large quantities of hazardous substances may also adversely affect the amenity values of townships and rural areas, by their actual or perceived potential adverse effects.

Objectives 1 to 3 propose ~~is~~ to minimise that risk. This is achieved through the District Plan provisions to manage the locations where significant quantities of hazardous substances are manufactured and stored, including separation from 'sensitive' areas e.g. near waterbodies and residential areas, and to require the safe and secure containment of hazardous substances at those locations. In making those provisions, the Council recognises that the use, transport, discharge and disposal of hazardous substances are controlled by other statutory authorities through legislation and associated controls including the HSNO Act 1996; and through Environment Canterbury's Natural Resources Regional Plan.

- i. ~~Through regulations under HSNO 1996; and~~
- ii. ~~Through district plan provisions to manage the locations where large quantities of hazardous substances are manufactured, used and stored, to avoid 'sensitive' areas e.g. near waterbodies [R17A.2] or residential areas.~~

Objective 2 addresses the issue of health or safety or the pleasantness of the neighbourhood close to areas where hazardous substances are manufactured, used or stored. The objective recognises such adverse effects. The Council is satisfied that actual risks to people's health and safety are most appropriately managed under the HSNO Act 1996 and the Health and Safety in Employment Act 1992.

ii. Policies and Methods

Manufacture, Use and Storage

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1. *Ensure any potential risk of adverse effects on the environment from spills, leaks or other mismanagement of hazardous substances is avoided or mitigated.*

Explanation and Reasons

Hazardous substances should be manufactured, ~~used~~, stored and disposed of in ways that avoid significant adverse environmental effects should a leak, spill or other mismanagement occur. Policy 1 requires any potential adverse effects to be avoided or mitigated. ~~This may be achieved in several ways; for example: the type or quantity of hazard substances; the degree of risk of flooding or earthquake in the area; or conditions under which the hazardous substance is used or stored.~~

~~Policy 1 is and is implemented using rules relating to the site, quantities and conditions for manufacturing, using, storing and disposing of hazardous substances at any site. Resource consents are required where specified threshold quantity limits for hazard substances are exceeded, and/or specific site controls or other performance criteria are not complied with. Activities that comply with the performance criteria and do not exceed the specified quantity limit thresholds have permitted status in terms of the hazardous substances rules of the Plan. Regulations made under the HSNO Act 1996 manage the manufacture, use and storage of hazardous substances to protect people's health and safety. Any discharge of a hazardous substance on to land or into air or water is controlled by Environment Canterbury (the regional council).~~

~~The plan has rules for quantities of hazardous substances that may be used or stored in each zone as a permitted activity (without a resource consent). These quantities are based on [R15.6] those under the Dangerous Goods Licensing [R15.6] Regulations (DGL). It is a The threshold quantity limits in Appendix 9 are a convenient measure to use to distinguish between small-scale activities where effects are likely to be minor, and larger scale activities that require resource consent. The classification system used in the Appendix is based on the provisions of the HSNO legislation. The quantity limits have been established with~~

regard to local conditions and requirements, and with due consideration to the HSNO controls, to national guidelines and procedures published and advocated by the Ministry of the Environment and the Environmental Risk Management Authority, to the Natural Resources Regional Plan, and to District Plans published by other territorial local authorities. The Hazardous Substances and New Organisms Act (HSNO) establishes national guidelines and procedures and is also of relevance in considering the use of hazardous substances. [R15.2]

Some HSNO classes are not listed in Appendix 9 because they are not considered to have a significant hazard rating in the land-use planning context. In this case, no restrictions apply under the District Plan. However, many hazardous substances have more than one HSNO class or category. Where this is the case, the most restrictive class or category will be applied, as this recognises the possible extent of the health and safety risks associated with the substance.

When assessing compliance with the provisions of the hazardous substances rules and when considering applications for resource consents involving storage, use, disposal or transportation of hazardous substances, the Council will consider the types and quantities of hazardous substances and the adequacy of controls and conditions on the hazardous substances at the application site, the location of the substances relative to sensitive environments and natural resources, and the degree of risk of flooding or earthquake in the area of the site. The Council will also have due consideration of any controls imposed by other legislation. This will include but will not be limited to the provisions of the Hazardous Substances and New Organisms Act 1996 and Regulations (including test certification, approved handler certificates, controlled substances licences and codes of practice issued by or recognised by ERMA), the Natural Resources Regional Plan and resource consents issued by the Canterbury Regional Council, and the Health and Safety in Employment Act 1992.

The Council recognises that the use, transport, discharge and disposal of hazardous substances are also controlled by other statutory authorities

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through legislation and associated controls including the HSNO Act 1996; and through Environment Canterbury's Natural Resources Regional Plan.

Methods

- District Plan Rules - Hazardous Substances
- Other Legislation - To address specialist areas of health and safety
- Regional Council Rules - To control the discharge of hazardous substances

2. ***Avoid the manufacture, ~~use~~ or storage of large quantities of hazardous substances in Living or Business 1 Zones, unless potential adverse effects on people's well-being and the amenity values of these zones will be minor.***

Explanation and Reasons

Living Zones are areas with amenity values most compatible with residential activities.

Business 1 Zones are busier areas with larger-scale business activities than Living zones. They are also areas for high density residential activities, and areas which many people occupy for business and social activities.

Policy 2 does not prevent large quantities of hazardous substances being manufactured, ~~used~~ or stored in these areas, provided that those activities cause no more than minor adverse effects on amenity values. ~~Many hazardous substances are likely to comply with Policy 3 because of their type, quantity or the conditions under which they are used or stored: for example, petroleum products.~~

Appendix 9 details higher quantity limits for Business 1 Zones than in Living Zones. This is to reflect that larger volumes may be required as part of Business activities carried out in these zones and can be accommodated without compromising the amenity values of such zones. [R15.2]

Method

- District Plan Rules - Hazardous Substances

3. ***Mitigate any adverse effects on the environment from the manufacture, ~~use~~ or storage of hazardous substances in Business 2 zones or the Business 3 zone.***

Explanation and Reasons

Business 2 Zones and the Business 3 Zone are areas where manufacturing, ~~use~~ or storage of hazardous substances may be an integral part of some activities. These Zones provide areas for these activities which may not be able to be located in Living or Business 1 Zones because of their effects. Other effects that may need managing include (but are not limited to) potential contamination of land; incompatibility of activities on adjoining sites; or offensive odours discharges or dust nuisances.

~~They are also zones in which other people are carrying out activities and some~~ Some Business 2 and 3 zones are located close to Business 1 or Living Zones, therefore, some management of hazardous substances is needed to accommodate the requirements of business activities whilst ensuring ~~ensure~~ that adverse effects on people and activities at other sites ~~people, their activities and on~~ the rest of the environment are avoided, remedied or mitigated. The threshold quantities in Appendix 9 for hazardous substances are therefore higher for Business 2 and 3 zones, but are not unlimited, and site storage and location criteria also apply.

~~Regulations under the HSNO Act 1996 will protect people's health and safety in these zones. Other effects that may need managing include (but are not limited to) potential contamination of land; incompatibility of activities on adjoining sites; or offensive odours discharges or dust nuisances.~~

Method

- District Plan Rules - Hazardous Substances

Transport

4. *Avoid transport of hazardous substances on the surface of waterbodies [R17A.2] in watercraft, if there is an alternative vehicular access to the site by land.*

Explanation and Reasons

A hazardous substance spilled into a waterbody [R17A.2] can cause both immediate and delayed adverse effects to aquatic life and ecological, cultural, recreational and amenity values. Such a spill is also much harder to contain and clean up than when it is spilled on to land, and the effects may become widespread as contaminants are carried downstream or disperse on water surfaces. Policy 5 recognises that there is no need to risk transporting hazardous substances on the surface of a waterbody [R17A.2] when there is alternative access to a site, over land. The corresponding rule does not apply to spare fuel for motorised water craft or hazardous substances found in the motor of such craft.

~~A hazardous substance spilled into a waterbody [R17A.2] is much harder to contain and clean up than when it is spilled on to land. Areas of water often have aquatic life and ecological, cultural, recreational and amenity values, which are adversely affected by a spill. Policy 5 recognises that there is no need to risk transporting hazardous substances on the surface of a waterbody [R17A.2] when there is alternative access to a site, over land. The corresponding rule does not apply to spare fuel for motorised water craft or hazardous substances found in the motor of such craft.~~

Method

- District Plan Rule - Transport of Hazardous Substances

Disposal

5. *Avoid disposing of hazardous substances into sewage systems or on to land in townships.*

Explanation and Reasons

Hazardous substances can contaminate land and leach into groundwater if they are not appropriately disposed of. Disposing of hazardous substances into sewage systems can affect the system by killing the bacteria used to break down and treat sewage. Land in townships is in close proximity to people and to activities which put people in direct contact with land – such as residential activities and outdoor recreation.

Note Disposal of hazardous substances does not include applying it in accordance with manufacturer's instructions.

Method

- District Plan Policy - To assess plan change requests to rezone land for new residential or business areas, to ensure adequate facilities for the disposal of hazardous wastes are available.
6. *Ensure parties who manufacture, store ~~or use~~ commercial large quantities or concentrations of hazardous substances have the means to dispose of hazardous substances and their containers without adversely affecting the environment.*
7. *Work toward obtaining access to appropriate hazardous waste treatment and disposal facilities for residents and ratepayers of the District.*

Explanation and Reasons

Under Policies 6 and 7, the Council will work with Environment Canterbury and other District Councils, to develop solutions for disposing of hazardous substances

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and hazardous waste, including empty hazardous substance containers. The Council will also encourage manufacturers and users of hazardous substances and generators of hazardous wastes to participate in identifying and developing waste disposal options.

Environment Canterbury, in conjunction with other local authorities including Selwyn District Council, has developed the Canterbury Regional Hazardous Waste Management Strategy for dealing with hazardous waste. It provides that basis for a co-ordinated region wide approach to the minimisation and management of hazardous waste. Under that strategy, facilities are being developed to receive and store domestic hazardous wastes from residents throughout Selwyn District.

Where potentially large quantities or concentrations of hazardous waste are being generated, the Plan rules require that party to submit a disposal plan for approval by the consent authority before establishing in the District.

~~There are no facilities in the Selwyn District to collect or dispose of hazardous substances or their containers. Therefore, any party producing hazardous waste has to find their own means for disposing of it. Where potentially large quantities or concentrations of hazardous waste are being generated, the Plan rules require that party to submit a disposal plan for approval by the consent authority before establishing in the District.~~

Methods

- District Plan Rule - Hazardous Substances
- Trade Waste Bylaws
- Advocacy - Continue to advocate for a co-ordinated approach to hazardous waste disposal in Canterbury as a signatory to the Canterbury Regional Hazardous Waste Management Strategy

~~7. Obtain access to appropriate hazardous waste treatment and disposal facilities for residents and ratepayers of the District.~~

Explanation and Reasons

There are currently no facilities in Selwyn District that either dispose of hazardous substances or containers, or to collect such items for disposal elsewhere.

~~The Council will continue to work with Environment Canterbury and other District Councils to develop solutions for disposing of hazardous waste. The Council will also encourage manufacturers and users of hazardous substances to participate in developing waste disposal options.~~

~~Environment Canterbury, in conjunction with other local authorities including Selwyn District Council, has developed a hazardous waste management strategy for dealing with hazardous waste. It provides that basis for a co-ordinated region wide approach to the minimisation and management of hazardous waste. [R15.7]~~

Method

- ~~Advocacy~~ - ~~Continue to advocate for a co-ordinated approach to disposing of hazardous waste in Canterbury~~

IV - ENVIRONMENTAL OUTCOMES

The following environmental results should occur from implementing Section 3.2 of the District Plan:

1. Adverse effects of hazardous substances on the environment are minimised.
2. Reduced instances of land becoming contaminated where hazardous substances have been - stored.

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3. Reduced risk of waterbodies becoming contaminated from hazardous substances.
4. Access to facilities for the treatment and disposal of hazardous substances.
5. Users of large quantities of hazardous substances follow plans to minimise the amount of hazardous waste they produce and to dispose of that waste in ways that have minimal effects on the environment.

~~The following environmental outcomes should result from implementing Section 3.2 of the district plan:~~

- ~~i. Hazardous substances are managed, or stored or used in a manner which ensure that persons living nearby are not unduly affected by their proximity to those substances.~~
- ~~ii. Reduced instances of land becoming contaminated where hazardous substances have been used or stored.~~
- ~~iii. Reduced risk of waterbodies [R17A.2] becoming contaminated from hazardous substances.~~
- ~~iv. Access to facilities for the treatment and disposal of hazardous substances. [R15.7]~~

V - MONITORING

Please refer to Appendix 1.

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VOLUME ONE: TOWNSHIPS

PART THREE: DISTRICT PLAN RULES, LAND USE RULES FOR LIVING ZONES, RULE 6 HAZARDOUS SUBSTANCES

Notes:

1. The storage, transport or disposal of any hazardous substance is a permitted activity (no resource consent required) if all the rules listed under the column headed 'Permitted Activities' are complied with.
2. The ~~use~~, storage, transport or disposal of any hazardous substance which does not comply with the rules for permitted activities has the status set out in the corresponding rule(s) in the column headed 'Other Activities'.
3. Where more than one HSNO class or category applies to a hazardous substance, the class with the most restrictive thresholds will apply.
4. Rule 6 does not apply to the disposal of any hazardous substance by use of it in accordance with the manufacturer's instructions, ~~nor to empty containers which are disposed of in accordance with the manufacturer's instructions.~~
5. Interpretation of words used in this rule is provided in Part 3, Section 7 of the Plan.
6. The disposal of any hazardous substances does not include the use of the substance in accordance with the manufacturer's instructions as a means of disposing of it.
7. The storage of any hazardous substances outdoors must also comply with Rule 17. (Outdoor storage of Goods and Materials)
8. Any activity involving the storage, use, disposal, discharge or transportation of a hazardous substance may require resource consent from Environment Canterbury. Therefore, Environment Canterbury should be consulted.

Rule 6		Hazardous Substances	
Permitted Activities		Other Activities	
Use and Storage		Use and Storage	
6.1 The use or storage of any hazardous substance if the following conditions are met:		6.3 Any activity which does not comply with Rule 6.1.1 shall be a <i>non-complying activity</i> , except if the use or storage of hazardous substances complies with any quantity limit listed for Column B in Appendix 9 for Living zones, in which case the use and storage of hazardous substances is a <i>discretionary activity</i> .	
6.1.1 The quantity of any hazardous substance used and/or stored complies with the quantities listed in Appendix 9 for permitted			

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<p>activities in Living Zones, except as otherwise permitted by Rule 6.1.5 and 6.1.6 below [R15.6]; and</p> <p>6.1.2 Any area used to store any hazardous substance or materials treated with any hazardous substance, <u>except for Liquefied Petroleum Gas (LPG)</u> is:</p> <ul style="list-style-type: none"> i) separated from the ground by an impervious surface and; ii) the impervious surface is designed to contain any runoff of the substance or water contaminated with the substance; and iii) the amount of containment available is no less than 110% [R15.5] of the volume of stored hazardous substances where the area is roofed; or iv) the amount of containment available is no less than 120% of the volume of stored hazardous substances where the area is unroofed; and <p>6.1.3 Any hazardous substance is stored:</p> <ul style="list-style-type: none"> i) in a sealed container; and; ii) the container is made of a material that is not weakened or corroded by the hazardous substance; and iii) the container is permanently labelled with the name of the contents; and iv) only one type of hazardous substance is stored in each container, and. <p>6.1.4 Any hazardous substance(s) is/are not stored within 20 m of anywaterbody. [R17A.2]</p> <p>6.1.5 For schools located within the Living Zones, the quantity limits for the Business 1 zone shall apply. [R15.3]</p> <p>6.1.6 Any electrical transformer installation operated by a network utility operator, as defined under Section 166, Resource Management Act 1991, is a permitted activity with an oil capacity of no more than 1,500 litres, subject to meeting Rules 6.1.2-6.1.4. Any consent application for the installation of any electrical transformer over 1,500 litres shall be assessed as a discretionary activity and shall not be notified and shall not require the written consent of directly</p>	<p>6.4 Any activity which does not comply with Rules 6.1.2 to 6.1.4 shall be a <i>discretionary activity</i>.</p>
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affected parties. [R15.6]	
	<p>Manufacture</p> <p>6.5 Any manufacture of any hazardous substance, as either a product or a by-product, shall be a <i>non-complying activity</i>.</p>
<p>Transport</p> <p>6.2 The transport of any hazardous substance in a boat or other craft over the surface of any waterbody [R17A.2]if the following conditions are met:</p> <p>6.2.1 The hazardous substance is contained in the motor or fuel tank of a motorised craft; or</p> <p>6.2.2 The hazardous substance is spare fuel for the motorised craft and it is carried in a sealed container specifically designed for that purpose; or</p> <p>6.2.3 There is no road or vehicular access to the site where the hazardous substance is to be used and:</p> <p>i) The hazardous substance is carried in a sealed container, specifically designed for that purpose, and</p> <p>ii) The container is permanently labelled with the name of the hazardous substance.</p>	<p>Transport</p> <p>6.6 Any activity which does not comply with Rule 6.2 shall be a <i>non-complying activity</i>.</p>
	<p>Disposal</p> <p>6.7 Any disposal of any hazardous substance shall be a <i>non-complying activity</i>.</p>

Notes

1. ~~The disposal of any hazardous substances does not include the use of the substance in accordance with the manufacturer's instructions as a means of disposing of it.~~
2. ~~The storage of any hazardous substances outdoors must also comply with Rule 17. (Outdoor storage of Goods and Materials)~~

Reasons

It is recognised that codes of practice and other legislation (e.g. the Hazardous Substances and New Organisms Act 1996 and regulations, or 'HSNO') ensure that the use, storage, manufacture, transport and disposal of hazardous substances is usually carried out in ways that pose little risk to public health or safety.

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The District Plan complements this legislation by addressing the potential adverse effects of hazardous substances on people's health and safety, ~~and~~ on prevailing and anticipated amenity values, and the wider potential environmental impact of those substances.

Rule 6 provides for the ~~use and~~ storage of small quantities of hazardous substances, such as those associated with residential activities. Appendix 9 sets out the classes of hazardous substances and the quantities allowable as *permitted* and *discretionary activities*. The classification system used in the Appendix is based on the provisions of the HSNO legislation, for Dangerous Goods Licences. ~~It is recognised that if the hazardous substance is of sufficient quantity to require a Dangerous Goods Licence, it may also be of sufficient quantity to:~~

- ~~• Have potential adverse effects on residents of Living Zones; and~~
- ~~• Create adverse effects if spilled or leaked in Living zones, which are considered sensitive receiving environments.~~

Rule 6.1 also sets out the specific conditions for the ~~use and~~ storage of hazardous substances as permitted activities. Rule 6.1.4 recognises that areas near waterbodies [R17A.2] are particularly sensitive to the storage of hazardous substances should there be any leakage.

The District Plan recognises that the transport of hazardous substances in craft over the surface of inland waterbodies [R17A.2] is generally inappropriate unless under specific conditions. In addition, the manufacture and disposal of hazardous substances are considered generally inappropriate in Living zones.

Two exceptions have been made to the quantity limits. The first is for schools in the living zones, to enable them to store quantities up to the levels of the Business 1 zone due to the nature of their activity, including science laboratories and other necessary on-site storage vessels, and the relative size and scale of the sites concerned. The second is for the installation of electrical transformers recognising the low risks associated with oil filled transformers and the importance of transformers as part of the electricity network. [R15.3]

Remember: 'Permitted Activities' are those that do not need a resource consent. See section 1 for Rule Guide.

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VOLUME ONE: TOWNSHIPS

PART THREE: DISTRICT PLAN RULES, LAND USE RULES FOR BUSINESS ZONES, RULE 2 HAZARDOUS SUBSTANCES

Notes:

1. The storage, transport or disposal of any hazardous substance is a permitted activity (no resource consent required) if all the rules listed under the column headed 'Permitted Activities' are complied with.
2. The ~~use,~~ storage, transport or disposal of any hazardous substance which does not comply with the rules for permitted activities has the status set out in the corresponding rule(s) in the column headed 'Other Activities'.
3. Where more than one HSNO class or category applies to a hazardous substance, the class with the most restrictive thresholds will apply.
4. Rule 6 does not apply to the disposal of any hazardous substance by use of it in accordance with the manufacturer's instructions, ~~nor to empty containers which are disposed of in accordance with the manufacturer's instructions.~~
5. Interpretation of words used in this rule is provided in Part 3, Section 7 of the Plan.
6. The disposal of any hazardous substances does not include the use of the substance in accordance with the manufacturer's instructions as a means of disposing of it.
7. The storage of any hazardous substances outdoors must also comply with Rule 10. (Outdoor storage of Goods and Materials)
8. Any activity involving the storage, use, disposal, discharge or transportation of a hazardous substance may require resource consent from Environment Canterbury. Therefore, Environment Canterbury should be consulted.

Rule 2		Hazardous Substances	
Permitted Activities		Other Activities	
2.1	Use and Storage The use and/or storage of any hazardous substances if the following conditions are met:	2.3	Exceptions [R15.3]

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<p>2.1.1 The quantity of each hazardous substance use and/or stored complies with quantities listed in Appendix 9 for permitted activities in the Business 1, 1A, 2 & 3 zones, except for service stations and/or truck stops (see Rule 2.3); [R15.3] and</p> <p>2.1.2 Any area used to store any hazardous substance or goods treated with any hazardous substance, <u>except for Liquefied Petroleum Gas (LPG)</u> is:</p> <ul style="list-style-type: none"> i) separated from the bare ground area by an impervious surface; and ii) the impervious surface is designed to contain any runoff of the substance or water contaminated with the substance; and iii) the amount of containment available is [R15.5] no less than 110% [R15.5] of the total [R15.5] volume of [R15.5] stored hazardous substance where the area is roofed; or [R15.5] iv) the amount of containment available shall be no less than 120% of the volume of any stored hazardous substance where the area is unroofed; and <p>2.1.3 Any hazardous substance is stored:</p> <ul style="list-style-type: none"> i) in a sealed container; and ii) the container is made of a material that is not weakened or corroded by the hazardous substance; and iii) the container is permanently labelled with the name of the contents; and iv) only one type of hazardous substance is stored in each container. <p>Manufacture</p> <p>2.2 The manufacture of any hazardous substance in the Business 3 Zone that complies with the quantities listed in Appendix 9.</p>	<ul style="list-style-type: none"> (a) The storage and retail sale of petrol (up to 100,000 litres storage in underground tanks) and diesel (up to 50,000 litres in underground tanks) at service stations and/or truck stops shall be a controlled activity and will not require the written consent of other persons and shall be non-notified, provided that the “Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems” (Department of Labour) is complied with. [R15.3] (b) The storage and sale of LPG (up to 6 tonnes, single vessel storage) at service stations and/or truck stops is a controlled activity and will not require the written consent of other persons and shall be non-notified, provided that the “Australian/New Zealand Standard 1596:1997, Storage and Handling of LP Gas” is complied with. [R15.3] (c) Any consent application for the installation of any electrical transformer, where operated by a network utility operator, as defined under Section 166 of the Resource Management Act 1991, shall be non-notified and not require the written consent of directly affected parties. [R15.6] (d) In the case of the Business 3 zone (Lincoln University only) the quantity standards shall apply to any individual department or facility within the zone containing hazardous substances whether or not there is more than one department or facility within the site. [R15.6] <p>In assessing resource consent for the above, consideration will be given to: [R15.3]</p> <ul style="list-style-type: none"> (i) The extent to which the proposed activity can avoid or mitigate any undue risk, including site layout, site management, and spill contingency planning, monitoring and maintenance schedules. [R15.3] (ii) Any relevant codes of practice introduced, or approved by, the
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	<p>Environmental Risk Management Authority; and pending these, any relevant codes applicable to hazardous substances. [R15.3]</p> <p>Use and Storage [R15.8]</p> <p>2.4 Any activity which does not comply with Rule 2.1 and 2.3 shall be a <i>discretionary activity</i>.</p> <p>Manufacture</p> <p>2.5 The manufacture of any hazardous substance, as either a product or by-product, shall be in the:</p> <p>Business 1 & 1A Zones: a <i>non-complying activity</i>.</p> <p>Business 2 Zone: a <i>discretionary activity</i>.</p> <p>2.6 The manufacture of any hazardous substance in the Business 3 Zone which does not comply with Rule 2.2 shall be a discretionary activity. [R15.8]</p> <p>Disposal</p> <p>2.7 The use of any land or facility for [R7.12] disposal of any hazardous substance [R7.12] shall be a <i>non-complying activity</i>.</p>
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Notes

1. ~~The outdoor storage of any hazardous substances must also comply with Rule 10. (Outdoor Storage of Goods and Materials)~~
2. ~~Disposal of hazardous waste is a defined term (see Section 6). It does not include the intended use of the substance in accordance with manufacturer's instructions.~~

Reasons

Many of the potential effects on health and safety of the use and storage of hazardous substances are addressed through other legislation and that the use of these substances is adequately controlled by the Regional Council and other authorities. The district plan complements this legislation by addressing the effects of hazardous substances on health and safety, and on the environment, including amenity values. The district plan rules provide for the ~~use and~~ storage of small quantities of hazardous substances, such as those associated with commercial, industrial and research activities, without requiring a resource consent. The ~~use and~~ storage is subject to conditions to: minimise the risk of leaks on to land and to minimise potential adverse effects should accidental spills or leaks occur. An exception has been made for service stations to ~~use and~~ store greater quantities of petrochemicals as a controlled activity recognising their primary role as fuel providers, acknowledging the amounts of such fuel generally stored on-site and recognising the industry standards and codes which have been adopted to address health and safety issues. [R15.3] An exception is also made for the installation of electrical transformers recognising the low risks associated with oil filled transformers and the importance of transformers as part of the electricity network. [R15.6] Special provision is made for Lincoln University due to the large nature of its “site” and different range of departments and facilities within it. [R15.6]

The quantities of hazardous substances allowed to be ~~used or~~ stored as a *permitted activities* are detailed in Appendix 9. These are based on those quantities which reflect the general non residential nature of the Business zones. Special provisions apply to the Business 3 Zone where there may be large quantities of hazardous substances involved associated with tertiary education and research activities undertaken which may also involve the manufacture of them.

The District Plan Rules contain conditions to avoid or reduce the severity of effects on the environment from the accidental spillage or leakage of a hazardous substance. The rules apply to activities where there is no intentional discharge. While accidental leaks and spills can be prosecuted as unlawful discharges, the damage to the environment has already occurred. The District Plan therefore adopts a preventative approach. Regional Councils control the intentional discharge of contaminants under the Resource Management Act.

~~The rules recognise that other legislation (e.g. Hazardous Substances and New Organisms Act) and Codes of Practice ensure that the use and storage of hazardous substances is usually carried out in ways which pose little actual risk to public health or safety.~~

Any party producing hazardous waste other than domestic hazardous waste must find their own means for disposing of it. Where potentially large quantities or concentrations of hazardous waste are being generated, the Plan rules require that party to submit a disposal plan for approval by the consent authority before establishing in the District.

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VOLUME ONE: TOWNSHIPS

PART THREE: DISTRICT PLAN RULES, APPENDIX 9 HAZARDOUS SUBSTANCES

The Tables in this Appendix are intended only for defining status of a proposed land use activity under the Resource Management Act, and not for any purpose under HSNO or other legislation.

The full description of HSNO classes, sub-classes and categories as well as explanations of terms used are contained in the Hazardous Substances Regulations. Detailed information on the application of the HSNO classification system to individual substances is available from the Environmental Risk management Authority (ERMA).

Substances being evaluated against the Table should be identified in the first instance by reference to container labeling, Manufacturer's Safety Data Sheets (MSDS) or information published by ERMA. Substances not assigned a HSNO classification may need to be identified by their UN Class, however HSNO classes and categories do not always correspond perfectly with the UN Classification. Consultation with the supplier or manufacturer of the substance may be necessary.

It is important to note that

- A number of HSNO classes or sub-classes that do not have a significant hazard rating in the land-use planning context are omitted from the Tables.
- Many hazardous substances have more than one HSNO class or category. Where this is the case, the most restrictive class or category will apply.
- Examples of common substances are given only as an indication of substances with hazardous characteristics that may be associated with land use in the District.

TABLE 1: Classification of Hazardous Substances

Hazardous substance type	Examples (including but not limited to)	HSNO Class/ Category	UN Class	Description	Health and safety hazard
Explosive substances	<i>Nitrate mixtures, nitro compounds, chlorate mixtures, gunpowder, or nitro compound adapted and exclusively used in the preparation or manufacture of cartridges for small arms, or for flares;ammunition/ detonators (excluding those purchased for personal sporting or recreational small arms use)</i>	1.1	1.1	Substances and articles that have a mass explosion hazard.	Fire/explosion (High hazard)
		1.2	1.2	Substances and articles that have a projection hazard but not a mass explosion hazard	Fire/explosion (Medium hazard)
		1.3	1.3	Substances and articles that have a fire hazard and either a minor blast hazard or a minor projection hazard or both.	Fire/explosion (Low hazard)

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		1.5	1.5	Very insensitive substances that have a mass explosion hazard	Fire/explosion (Low hazard)
Flammable gases	<i>LPG , acetylene, hydrogen, methane,</i>	2.1.1A	2.1	a) Ignitable when in a mixture of 13% or less by volume with air; or b) Has a flammable range with air of at least 12%, regardless of the lower flammability limit.	Fire/explosion (High hazard)
		2.1.2A - Flammable Aerosols	2.1	An aerosol comprising 45% or more by mass of flammable ingredients.	Fire/explosion (High hazard)
		LPG	2.1		Fire/explosion (Medium hazard)
Flammable liquids	<i>Liquid fuels, solvents, adhesives etc:</i> <i>Petrol, ethyl alcohol, methyl alcohol, Isopropyl alcohol, acetone, benzene, toluene, butylamine, MIBK</i> <i>Kerosene, styrene monomer, cyclohexanene, turpentine, butyl methacrylate, chlorobenzene, ethoxyethanol</i> <i>Diesel, petroleum oils</i>	3.1.A	3 PGI	A flash point of less than 23°C and an initial boiling point of less than or equal to 35°C.	Fire/explosion (Very high hazard)
		3.1B	3 PGII	A flash point of less than 23°C and an initial boiling point of greater than 35°C.	Fire/explosion (Medium hazard)
		3.1C	3 PGIII	A flash point of greater than or equal to 23°C but less than or equal to 60°C.	Fire/explosion (Medium hazard)
		3.1D	Combustible liquids	A flash point of greater than 60°C but less than or equal to 93°C.	Fire/explosion (Low hazard)
Liquid desensitised explosives	<i>Nitroglycerine mixture/solution</i>	3.2A	3 PGI	a) A substance that: (i) is listed as a liquid desensitized explosive and is assigned Packing Group I, II or III in the UN Model Regulations; or b) A liquid desensitized explosive that: (i) is formed from an explosive of Class I by adding a desensitizing agent to form	Fire/explosion (High hazard)
	<i>Nitrocellulose solution</i>	3.2B	3 PGII		
		3.2C	3 PG III		

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				a liquid that no longer meets the threshold for Class I; and (ii) is not listed in the UN Model Regulations and is not assigned a Packing Group.	
Flammable solids – readily combustible solids and solids that may cause fire through friction	<i>Red phosphorus, ammonium picrate, picric acid, monomethylamine nitrate, nitrocellulose, trinitrobenzene, magnesium and aluminium powders</i> <i>Alkali metals eg sodium, potassium, lithium, calcium, magnesium, metal hydrides, metal carbides.</i>	4.1.1A	4.1(a) PG II	A substance that burns rapidly or the reaction spreads rapidly or may cause fire through low friction in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (Medium hazard)
		4.1.1B	4.1(a) PG III	A substance that has lower ratings than 4.1.1A in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (Low hazard)
Self-reactive substances	<i>Azocarbamides, benzene sulphohydrazine, diazonium salts</i>	4.1.2A	4.1(b) Type A Type B	A thermally unstable substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (High hazard)
		4.1.2B			
		4.1.2C 4.1.2D	4.1(b) Type C Type D	A substance with lower ratings than the above two categories in the relevant tests.	Fire/explosion (Medium hazard)
		4.1.2E 4.1.2F 4.1.2G	4.1(b) Type E Type F	A substance with even lower ratings than the above two categories in the relevant tests.	Fire/explosion (Low hazard)
Solid desensitised explosives	<i>Nitroglycerine -solid, desensitised</i>	4.1.3A 4.1.3B 4.1.3C	4.1(c) PG I PG II PG III	a) A substance with one of the specified UN serial numbers listed in the UN Model Regulations; or b) A solid desensitised explosive that is formed from an explosive of Class I by adding a desensitising agent to form a solid substance that no longer meets the threshold for Class I.	Fire/explosion (High hazard)

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Spontaneously combustible substances	<i>A variety of metallic, organic and inorganic compounds and mixtures</i>	4.2A Spontaneously combustible and pyrophoric substances	4.2 PG I	a) A solid substance that does not meet the criteria for subclass 4.1.2, but ignites within 5 minutes on contact with air under the relevant test conditions in the UN Manual of Tests and Criteria; or b) A substance that does not meet the criteria for subclass 4.1.2, but is a liquid which ignites or chars the filter paper under the relevant test conditions.	Fire/explosion (High hazard)
		4.2B Spontaneously combustible and self- heating substances	4.2 PG II	A substance that does not meet the criteria for subclass 4.1.2 but meets specified criteria under the relevant test conditions.	Fire/explosion (High hazard)
		4.2C Spontaneously combustible and self- heating substances	4.2 PG III	A substance that does not meet the criteria for subclass 4.1.2, which, depending on quantity, meets specified criteria under the relevant test conditions.	Fire/explosion (Medium hazard)
Solids that emit flammable gas when in contact with water	<i>Compounds derived from reactive metals e.g. compounds of aluminium, calcium, lithium, magnesium, , potassium, phosphorus, sodium</i>	4.3A	4.3 PG I	a) A substance that emits a gas that ignites when a small quantity of the substance is brought into contact with water; or b) A substance that reacts readily with water at ambient temperatures such that the rate of evolution of flammable gas is > 10 litres/kg over any 1 minute.	Fire/explosion (High hazard)
		4.3B	4.3 PG II	A substance that reacts readily with water at ambient temperatures such that the maximum rate of evolution is > 20 litres/ kg per hour.	Fire/explosion (High hazard)
		4.3C	4.3 PG III	A substance that reacts slowly with water at ambient temperatures so that the maximum rate of evolution of flammable gas is > 1 litre /kg per hour.	Fire/explosion (Medium hazard)

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Oxidising substances – liquids or solids	<i>Water treatment chemicals e.g. pool chlorine granulesl</i> <i>Chromates, bromates, chlorates, chlorites, nitrates, permanganates</i>	5.1.1A	5.1 PG I	<ul style="list-style-type: none"> a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group I; or b) A solid that when mixed with dry cellulose either spontaneously ignites or exhibits a mean burning time less than that of a specified reference material; or c) A liquid that when mixed with dry cellulose forms a mixture that either spontaneously ignites or exhibits a mean pressure rise time less than that of a specified reference material. 	Fire/explosion (High hazard)
		5.1.1B	5.1 PG II	<ul style="list-style-type: none"> a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group II; or b) A solid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than a specified reference material; or c) A liquid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less than or equal to that of a specified reference material. 	Fire/explosion (High hazard)
		5.1.1C	5.1 PG III	<ul style="list-style-type: none"> a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group III; or b) A solid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than that of a specific reference material; or c) A liquid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that 	Fire/explosion (Medium hazard)

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				exhibits a mean pressure rise time less than or equal to that of a specified reference material.	
Oxidising substances - gases	<i>Oxygen gas</i>	5.1.2A	2.2	a) A gas that is listed as 5.1 in the UN Model Regulations; or b) A gas that causes or contributes to combustion of other material at a faster rate than air.	Fire/explosion (High hazard)
Organic Peroxides	<i>Any organic peroxide</i>	5.2A 5.2B	5.2 Type A Type B	A substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (High hazard)
		5.2C 5.2D	5.2 Type C Type D	A substance with lower ratings than 5.2A or B in the relevant tests.	Fire/explosion (Medium hazard)
		5.2E 5.2F 5.2G	5.2 Type E Type F Type G	A substance with even lower ratings than 5.2A or B in the relevant tests.	Fire/explosion (Low hazard)
Toxic substances	<i>A wide range of industrial and commercial chemicals including compounds derived from arsenic, cadmium, copper, chromium, lead, nickel, mercury (including amalgams), zinc. Cyanides, methyl bromide, acrylamide, phenols, chlorophenols, aniline, oxalates</i> <i>Toxic substances land use thresholds in this Table are identified in the following subgroups:</i> <u><i>Agrichemicals and Pesticides</i></u>	6.1A	6.1 PGI 2.3 (gases)	Oral toxicity: LD50 of less than or equal to 5 mg/kg <ul style="list-style-type: none"> • Dermal toxicity: LD50 of less than or equal to 50 mg/kg • Inhalation toxicity (gas): LC50 of less than or equal to 100 ppm • Inhalation toxicity (vapour): LC50 of less than or equal to 0.5 mg/l • Inhalation toxicity (dust/mist): LC50 of less than or equal to 0.05 mg/l 	Human health (High hazard)
		6.1B	6.1 PGII 2.3 (gases)	<ul style="list-style-type: none"> • Oral toxicity: LD50 of greater than 5 mg/kg but less than or equal to 50 mg/kg 	Human health (High hazard)

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<p><i>Bipyridyls, carbamates, dinitrophenols, organophosphates, organochlorines, phenoxy compounds</i></p> <p><u>HSNO 'Controlled Substances'</u> Fumigant gases, vertebrate poisons e.g. chloropicrin, methyl bromide, cyanide baits, 1080</p> <p><u>Toxic gases (other than gases that are HSNO 'Controlled Substances')</u> Chlorine, ammonia</p> <p><u>Timber treatment chemicals</u> Compounds derived from arsenic, copper, chromium, tin, boron, light organic solvent preservatives, anti sapstain chemicals.</p> <p><u>Chlorinated hydrocarbons</u> Any compound containing carbon, hydrogen and chlorine including Trichloroethene, tetrachloroethene, 1,1,1-trichloroethane, tetrachloromethane, bromodichloromethane, trichloromethane</p> <p><u>Any other toxic substances</u></p>	6.1C	6.1 PGIII	<ul style="list-style-type: none"> Dermal toxicity: LD50 of greater than 50 mg/kg but less than or equal to 200 mg/kg Inhalation toxicity (gas): LC50 of greater than 100 ppm but less than or equal to 500 ppm Inhalation toxicity (vapour) LC50 of greater than 0.5 mg/l but less than or equal to 2.0 mg/l Inhalation toxicity (dust/mist) LC50 of greater than 0.05 mg/l but less than or equal to 0.5 mg/l 	Human health (Medium hazard)
	6.1D	Toxic Substances Regulations: Standard Poison	<ul style="list-style-type: none"> Oral toxicity: LD50 of greater than 300 mg/kg but less than or equal to 2000 mg/kg Dermal toxicity: LD50 of greater than 1000 mg/kg but less than or equal to 2000 mg/kg Inhalation toxicity (gas): LC50 of greater than 2500 ppm but less than or equal to 5000 ppm Inhalation toxicity (vapour) LC50 of 	Human health (Low hazard)

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				greater than 10 mg/l but less than or equal to 20 mg/l <ul style="list-style-type: none"> Inhalation toxicity (dust/mist) LC50 of greater than 1.0 mg/l but less than or equal to 5.0 mg/l 	
Radioactive material		N/A ¹	7		
Corrosive substances	<i>Acids e.g. nitric, sulphuric, hydrochloric, hydrofluoric acids; trichloro acetic acid.</i> <i>Alkalis e.g. sodium, potassium and lithium hydroxides, zinc chloride, zirconium tetrachloride, sulphur chlorides, silicon tetrachloride, phosphorus pentoxide, ferric chloride, phenolsuphanic acid, hydroxylamine sulphate, hexyl-trichlorosilane, ethanolamine.</i>	8.2A	8 PG I	Data indicate irreversible destruction of dermal tissue following brief exposure	Human health (High hazard)
		8.2B	8 PG II	Data indicate irreversible destruction of dermal tissue following moderate exposure	Human health (Medium hazard)
		8.2C	8 PG III	Data indicate irreversible destruction of dermal tissue following lengthy exposure (up to four hours)	Human health (Low hazard)
Ecotoxic substances	<i>A wide variety of organic and inorganic compounds, mixtures and materials that may or may not be classified in other HSNO categories</i>	9.1A Substances that are very ecotoxic in the aquatic environment	GHS	Acute aquatic toxicity value ² of less than or equal to 1 mg/l	Environment (High hazard)
		9.1B Substances that are ecotoxic in	GHS	Chronic aquatic toxicity ³ of less than or equal to 1 mg/l and a) acute aquatic toxicity value of greater than 1 mg/l but less than 10 mg/l; and	Environment (Medium hazard)

¹ Radioactive substances are controlled under the Radiation Protection Act by the National Radiation Laboratory of the Ministry of Health.

² 'Acute aquatic toxicity value' means the lowest value expressed in units of milligrams of a substance per
 (a) fish LC50 data after a 96-hour exposure period; or
 (b) crustacean EC50 data after a 48-hour exposure period; or
 (c) algal, or other aquatic plant EC50 data after a 72-hour exposure period.

³ 'Chronic aquatic toxicity' means the lowest value expressed in units of milligrams of a substances per litre of water from chronic fish, crustacean, algal, or other aquatic plant NOEC (no observed effect concentration) data.

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		the aquatic environment		b) not rapidly degradable or is bioaccumulative, or is not rapidly degradable and is bioaccumulative.	
		9.1C Substances that are harmful in the aquatic environment	GHS	Chronic aquatic toxicity of less than or equal to 1 mg/l and: a) acute aquatic toxicity value of greater than 10 mg/l but less than 100 mg/l; and b) not rapidly degradable or is bioaccumulative or, is not rapidly degradable and is bioaccumulative.	Environment (Medium hazard)
		9.1D Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action	GHS	a) Acute aquatic toxicity value of greater than 1 mg/l but less than 100 mg/l, but does not meet classification criteria for 9.1A, 9.1B or 9.1C; or b) Chronic aquatic toxicity value is less than or equal to 1 mg/l but does not meet classification criteria for 9.1B or 9.1C; or c) Not rapidly degradable and is bioaccumulative but does not meet classification criteria for 9.1A, 9.1B or 9.1C.	Environment (Low hazard)

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TABLE 2: Land Use Zone Quantity Limits for Classes of Hazardous Substance

Hazardous substance type	Examples	HSNO Class/ Category	Quantity Limit			
			Living Zones		Business 1 Zone	Business 2 and 3 Zones
			A	B		
Explosive substances	<i>Nitrate mixtures, nitro compounds, chlorate mixtures, ammunition/ detonators (excluding those purchased for sporting or recreational small arms use); gunpowder, or nitro compound adapted and exclusively used in the preparation or manufacture of cartridges for small arms, or for flares.</i>	1.1	0 kg/litres	-	2.5 kg/litres	50 kg/litres
		1.2	15 kg/litres	-	15 kg/litres	50 kg/litres
		1.3	15 kg/litres	-	75 kg/litres	100 kg/litres
		1.5	15 kg/litres	-	75 kg/litres	200 kg/litres
Flammable gases	<i>LPG , acetylene, hydrogen, methane,</i>	LPG	300 kg	-	2,000 kg	8,000 kg
		2.1.1A	100 kg	250 kg	250 kg	250 kg
		2.1.2A - Flammable Aerosols	100 kg	250kg	250 kg	250 kg
Flammable liquids	<i>Liquid fuels, solvents, adhesives etc: Petrol, ethyl alcohol, methyl alcohol, Isopropyl alcohol, acetone, benzene, toluene, butylamine, MIBK</i>	3.1.A, 3.1B Aboveground storage ⁴ Underground storage	50 litres 0 litres	- -	3,000 litres 5,000 litres	5,000 litres 50,000 litres
		3.1C	1,000 litres	-	3,000 litres	5,000 litres
	<i>Kerosene, styrene monomer, cyclohexanene, turpentine, butyl</i>					

⁴Not applicable to fuel tanks connected to motors of road vehicles, farm machinery or locomotives.

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	<i>methacrylate, chlorobenzene, ethoxyethanol</i> <i>Diesel, petroleum oils</i>	3.1D Aboveground storage ⁴ Underground storage	1,000 litres 1,000 litres		5,000 litres 30,000 litres	30,000 litres 30,000 litres
Liquid desensitised explosives	<i>Nitroglycerine mixture/ Solution</i> <i>Nitrocellulose solution</i>	3.2A, 3.2B, 3.2C	0 litres	-	30 litres	100 litres
Flammable solids – readily combustible solids and solids that may cause fire through friction	<i>Red phosphorus, ammonium picrate, picric acid, monomethylamine nitrate, nitrocellulose, trinitrobenzene, magnesium and aluminium powders</i> <i>Alkali metals eg sodium, potassium, lithium, calcium, magnesium, metal hydrides, metal carbides.</i>	4.1.1A, 4.1.1B	1 kg	-	25 kg	50 kg
Self-reactive substances	<i>Azocarbamides, benzene sulphohydrazine, diazonium salts</i>	4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	0 kg	-	5 kg	50 kg
Solid desensitised explosives	<i>Nitroglycerine -solid, desensitised</i>	4.1.3A, 4.1.3B, 4.1.3C	0 kg	-	5 kg	50 kg
Spontaneously combustible substances	<i>A variety of metallic, organic and inorganic compounds and mixtures</i>	4.2A Spontaneously combustible and pyrophoric substances	1 kg	-	25 kg	50 kg
		4.2B Spontaneously combustible and self- heating substances	1 kg	-	25 kg	50 kg
		4.2C Spontaneously combustible and self- heating substances	1 kg	-	25 kg	500 kg

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Solids that emit flammable gas when in contact with water	<i>Compounds derived from reactive metals e.g. compounds of aluminium, calcium, lithium, magnesium, , potassium, phosphorus, sodium</i>	4.3A, 4.3B	1 kg	-	25 kg	50 kg
		4.3C	1 kg	-	25 kg	500 kg
Oxidising substances – liquids or solids	<i>Water treatment chemicals e.g. pool chlorine granules</i> <i>Chromates, bromates, chlorates, chlorites, nitrates, permanganates</i>	5.1.1A	50 kg/litres	-	1,000 kg/litres	2,000 kg/litres
		5.1.1B, 5.1.1C	1 kg/litres	-	25 kg/litres	200 kg/litres
Oxidising substances - gases	<i>Oxygen gas</i>	5.1.2A	10 kg	250 kg	250 kg	1,000 kg
Organic Peroxides	<i>Any organic peroxide</i>	5.2A, 5.2B	1 kg/litres	-	25 kg/litres	200 kg/litres
		5.2C, 5.2D	1 kg/litres	-	25 kg/litres	500 kg/litres
		5.2E, 5.2F, 5.2G	1 kg/litres	-	25 kg/litres	2,000 kg/litres
Toxic substances	<i>A wide range of industrial and commercial chemicals including compounds derived from arsenic, cadmium, copper, chromium, lead, nickel, mercury (including amalgams), zinc. Cyanides, methyl bromide, acrylamide, phenols, chlorophenols, aniline, oxalates</i> <i>Toxic substances land use thresholds in this Table are identified in the following subgroups:</i> <u><i>Agrichemicals and Pesticides</i></u> <i>Bipyridyls, carbamates, dinitrophenols, organophosphates, organochlorines,. phenoxy</i>	6.1A, 6.1B, 6.1C, 6.1D <u><i>Including the following subgroups:</i></u> <u><i>Agrichemicals and Pesticides</i></u>				
			10 kg/litres	50 kg/litres	500 kg/litres	1,000 kg/litres

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	<p><i>compounds</i></p> <p><u>HSNO ‘Controlled Substances’</u> Fumigant gases, vertebrate poisons e.g. chloropicrin, methyl bromide, cyanide baits, 1080</p> <p><u>Toxic gases (other than gases that are HSNO ‘Controlled Substances’)</u> Chlorine, ammonia</p> <p><u>Timber treatment chemicals</u> Compounds derived from arsenic, copper, chromium, tin, boron, light organic solvent preservatives, anti sapstain chemicals.</p> <p><u>Chlorinated hydrocarbons</u> Any compound containing carbon, hydrogen and chlorine including Trichloroethene, tetrachloroethene, 1,1,1-trichloroethane, tetrachloromethane, bromodichloromethane, trichloromethane</p> <p><u>Any other toxic substances</u></p>	<p><u>HSNO ‘Controlled Substances’</u></p> <p><u>Toxic gases (other than gases that are HSNO ‘Controlled Substances’)</u></p> <p><u>Timber treatment chemicals</u></p> <p><u>Chlorinated hydrocarbons</u></p> <p><u>Any other toxic substances (that are not otherwise Class 3 flammable liquids)</u></p>	<p>0 kg (0m³ gas)</p> <p>0 kg</p> <p>20 litres</p> <p>20 litres</p> <p>1 kg/litres</p>	<p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>	<p>0 kg (0m³ gas)</p> <p>1,000 kg</p> <p>200 litres</p> <p>1,000 litres</p> <p>200 kg/litres</p>	<p>100kg (5m³ gas)</p> <p>1,000 kg</p> <p>200 litres</p> <p>1,000 litres</p> <p>2,000 kg/litres</p>
Radioactive material		N/A	10 ¹³ bequerel per kilogram			
Corrosive substances	<p><i>Acids e.g. nitric, sulphuric, hydrochloric, hydrofluoric acids; trichloro acetic acid.</i></p> <p><i>Alkalis e.g. sodium, potassium and lithium hydroxides, zinc chloride, zirconium tetrachloride, sulphur</i></p>	8.2A, 8.2B, 8.2C	10 kg/litres	-	1,000 kg/litres	2,000 kg/litres

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	<i>chlorides, silicon tetrachloride, phosphorus pentoxide, ferric chloride, phenolsuphanic acid, hydroxylamine sulphate, hexyl-trichlorosilane, ethanolamine.</i>					
Ecotoxic substances	<i>Variety of organic and inorganic compounds, mixtures and materials that may or may not be classified in other HSNO categories</i>	<p>9.1A Substances that are very ecotoxic in the aquatic environment</p> <p>9.1B Substances that are ecotoxic in the aquatic environment</p> <p>9.1C Substances that are harmful in the aquatic environment</p> <p>9.1D Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action</p>	<p>25 litres/kg</p> <p>250 litres/kg</p> <p>250 litres/kg</p> <p>250 litres/kg</p>	<p>-</p> <p>-</p> <p>-</p> <p>-</p>	<p>500 litres/kg</p> <p>500 litres/kg</p> <p>500 litres/kg</p> <p>1,000 litres/kg</p>	<p>1000 litres/kg</p> <p>5,000 litres/kg</p> <p>5,000 litres/kg</p> <p>50,000 litres/kg</p>

VOLUME TWO: RURAL

SECTION TWO: ISSUES, OBJECTIVES AND POLICIES, SECTION 3. PEOPLE’S HEALTH, SAFETY AND VALUES, SECTION 3.2 – HAZARDOUS SUBSTANCES

3.2 – HAZARDOUS SUBSTANCES

I - ISSUES

1. Adverse effects on the human and natural environments from the manufacture, storage, transport on waterbodies or disposal of hazardous substances.
2. Adverse effects on land and soils, waterbodies or other parts of the environment from accidental or deliberate spillage, leakage, or discharge of hazardous substances in the course of their manufacture, storage or disposal.
3. Adverse effects on the amenity values of townships from activities involving the manufacture, storage or disposal of hazardous substances.

~~1. Hazardous substances may leak, spill or be dumped, affecting land, waterbodies [R17A.2] or other parts of the environment.~~

~~2. Effects on the amenity values of the rural area from activities involving the manufacture, storage or disposal of large quantities of hazardous substances.~~

i What is a Hazardous Substance?

Hazardous substance is defined in section 2 of the Resource Management Act to include, but is not limited to, any substance defined in section 6 of the Hazardous Substances and New Organisms Act 1996 (HSNO) as a hazardous substance. ~~Act as being similar to, but wider than [R15.4] the~~

definition in section 6 of the Hazardous Substances and New Organisms Act 1996 (HSNO). The definition in that Act is:

~~“Any substance with one or more of the following characteristics: explosiveness, flammability, a capacity to oxidise, corrosiveness, toxicity (acute or chronic), ecotoxicity with or without bioaccumulation; or which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified above.”~~

HSNO Section 6 states:

“Hazardous substance means, unless expressly provided otherwise by regulations, any substance

(a) with one or more of the following characteristics:

- (vii) explosiveness,
- (viii) flammability,
- (ix) a capacity to oxidise,
- (x) corrosiveness,
- (xi) toxicity (acute or chronic),
- (xii) ecotoxicity with or without bioaccumulation;

or

(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified above.”

ii What are the Issues?

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Hazardous substances of various kinds are in widespread use in the Selwyn District and are an essential part of everyday life. Common examples of hazardous substances are agrichemicals and animal remedies in the rural sector of the community, timber preservatives and strong acids and alkalis in the industrial and commercial sector, and garden sprays in the domestic sector. Other substances such as LPG, petroleum hydrocarbon fuels and lubricants, solvents, paints, pool chemicals and household cleaning agents are in widespread use across all sectors. Wastes generated by all sectors also contain hazardous substance residues, such as industrial processing wastes, packaging and containers, dead batteries and waste oil, paints and solvents, depleted or surplus agrichemicals and garden sprays.

While the presence of hazardous substances in the community is generally accepted, there is potential for significant adverse effects to the natural, rural and urban environments if hazardous substances and their locations, storage, transport, use and disposal are not managed or controlled appropriately. The potential adverse effects if hazardous substances are spilled, leak or escape from their containment or are discharged into the environment in an uncontrolled manner by accident or during their application or use include

- effects on human health through skin contact, ingestion or inhalation
- effects on the health of farm stock and domestic animals
- damage to plant crops, windbreaks, plantations, landscape planting and other vegetation
- damage to natural flora and fauna
- contamination of the food chain, including chemical residues in farm stock and crops
- damage to the life-sustaining or aesthetic qualities of water and soil resources and ecosystems
- effects on ancestral lands, sites and other taonga of value to Tangata Whenua
- aesthetic and health effects arising from the development, improvement or occupation of land contaminated by hazardous substances
- devaluation of rural, residential, conservation and recreation amenity values of land that has been contaminated by hazardous substances
- perceived and actual risks and public concerns associated with the location of facilities and activities involving hazardous substances, with respect to

residences, schools, conservation areas, recreational areas, waterbodies and other sensitive land use areas and sensitive environments

- reverse sensitivity effects on rural land use involving hazardous substances, from residential and other more sensitive activities establishing in rural areas

Small quantities of hazardous substances are used everyday in domestic cleaning and gardening. In the rural area, larger quantities are used as part of many activities, for example, agriculture, horticulture, forestry and rural industries. Herbicides, pesticides, animal drenches, timber treatments and petroleum fuels are examples of products that contain hazardous substances. People in rural areas need to store hazardous substances on-site, to carry out their activities efficiently.

Hazardous substances used, stored or disposed of in the rural area, can affect the environment. For example:

- If containers of hazardous substances are stored on bare ground and leak or spill, land and soil may be contaminated.
- Many sites in the rural area contain waterbodies [R17A.2] and wetlands. These areas often have wildlife and can be important cultural sites for local runanga. If hazardous substances leak, spill or get dumped in these areas, the waterbodies [R17A.2] can be affected.
- Much land in the rural area is used to grow crops or rear livestock. Some contaminants can be absorbed into food chains.
- Many households in the rural area obtain drinking water from streams or shallow bores and some open watercourses. Leaked or dumped hazardous substances can affect these water supplies.
- The release of hazardous substances, or their by products into the air, affecting the local air quality. [R15.2]

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~~The rural area can be sought after for sites to manufacture, store or dispose of large quantities of hazardous substances. Sites are larger, land is cheaper, and there are fewer adjoining residents, than sites in urban areas. The rural area is also perceived by many people as a pleasant place to live – cleaner, greener and with less pollution than urban areas. Activities involving the manufacture, use, storage or disposal of large quantities of hazardous substances may affect people's perception of the rural area and its amenity values. There are no facilities in Selwyn District for the collection or disposal of hazardous substances, by-products or containers. The Burwood landfill in Christchurch accepts hazardous waste, but people need to take it there.~~

~~The Council has recently adopted the Canterbury Hazardous Waste Management Strategy. This Strategy promotes regionally co-ordinated management of hazardous waste. In addition, the Council is currently in the process of setting aside land for the establishment of a Resource Recovery Centre. This is a major component in the District's goal of achieving Zero Waste to Landfill by 2015. Although this facility will not provide facilities for the disposal of hazardous substances, it will provide environmentally sound facilities for the temporary storage of these wastes before they are transported to region-wide waste disposal facilities. [R15.7]~~

iii – Hazardous Substances and the Act

~~Regional and district councils have functions for managing the effects of the use, storage, transport and disposal of hazardous substances, under the RMA. Policy 1, Chapter 17 of the Regional Policy Statement (p. 261) sets out in more detail how those functions are shared between Environment Canterbury and district councils (territorial local authorities) in Canterbury.~~

~~In summary, Environment Canterbury manages:~~
~~Any discharge of hazardous substances;~~
~~Hazardous substances in the Coastal Marine Area;~~

~~Transportation of particular [R15.2] hazardous substances through water bodies via a pipe; and~~
~~Has a role in co-ordinating the management of hazardous substances in the Region.~~
~~The use, storage, transportation and disposal of specified substances (including petrochemicals and timber treatment chemicals) where they may affect water quality. [R15.2]~~

~~District councils are responsible for the rest.~~

iv. – Other Legislation

~~Other statutes address some issues associated with hazardous substances. They include:~~

- ~~• The Hazardous Substances and New Organisms Act 1996 which addresses effects on people's health and safety from the manufacture, use and storage of hazardous substances.~~
- ~~• Transport Act 1962 which addresses the transport of hazardous substances.~~
- ~~• Clauses F3 and C1 of the Building Code contain requirements relating to the storage and containment of Hazardous Substances, under the Building Act 1991.~~

(iii) Regulatory controls

The Hazardous Substances and New Organisms Act 1996 (HSNO) and Hazardous Substances regulations are the principal legislation controlling the introduction, manufacture, use, storage and disposal of hazardous substances. Substances are classified numerically according to their hazardous characteristics, and the regulations and associated codes of practice and other instruments set specific baseline standards for storage, handling and emergency response for each class of substance and the facilities and activities involving them. HSNO has revoked earlier legislation, including the Dangerous Goods Regulations which the Council previously administered.

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The Council has limited powers and responsibilities under HSNO, which is administered mainly by other agencies particularly in terms of the use and application of hazardous substances in working situations. It should be noted that HSNO protects health and safety within the immediate environment of the facility or activity, whereas community issues and concerns must be addressed through the provisions of the Resource Management Act via the Regional Policy Statement, the Regional Plan and District Plans.

Regional and District Councils have functions for managing the effects of the use, storage, transport and disposal of hazardous substances, under the Resource Management Act 1991. Chapter 17 (p. 261) of the Regional Policy Statement sets out in more detail how those functions are shared between Environment Canterbury and territorial local authorities in Canterbury.

In summary, Environment Canterbury has a co-ordinating role in the management of hazardous substances in the Region, with specific responsibilities to manage

- Any discharge of hazardous substances;
- Hazardous substances in the Coastal Marine Area;
- The use, storage, transportation and disposal of specified substances (including petrochemicals, agrichemicals, organic solvents, timber treatment chemicals, and toxic metals) where they may affect water quality.

The Draft Natural Resources Regional Plan (Air Quality and Water Quality chapters) control storage and use of the specified substances. Of particular significance to Selwyn District is the restriction of new development involving hazardous substances storage on land in the Christchurch Groundwater Recharge Zone which covers part of the District's north-east.

District and city councils in the Canterbury region are responsible for developing objectives, policies and rules relating to the control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of any hazardous substances except where they are controlled by Environment Canterbury. In setting those objectives, policies and rules, the Council must ensure those provisions are consistent with the RMA and HSNO, and also be mindful of other legislation associated with the control of hazardous substances.

(iv) Other Legislation

- The Transport Act 1962 controls the transport of hazardous substances, through the Ministry of Transport's Land Transport Dangerous Goods Rule which is enforced by the NZ Police. Incompatible substances must be segregated, loads must be secured and commercial loads must be placarded appropriately. The Council has no involvement with the Rule, but can consider controlling routes for the transport of hazardous substances through its District Plan and resource consents for environmental effects reasons.
- The Radiation Protection Act 1965 and the 1982 Regulations control radioactive materials. They are administered by the National Radiation Laboratory, a business unit of the Ministry of Health. The Council may control the location of activities where radioactive materials are present, to address local concerns.
- The Building Act 1991 contains requirements relating to the storage and containment of Hazardous Substances. The Council applies these provisions through the building consent process, at which stage the requirements of the Building Code can be coordinated with District Plan considerations.
- The Health and Safety in Employment Act 1992 addresses workplace safety and is administered by the Department of Labour's Occupational Safety and Health Division (OSH). Workplaces are required to have health and safety plans in place, which must be consistent with HSNO with respect to hazardous substances management and emergency response.

(v) Hazardous waste management

Hazardous wastes may contain residues of hazardous substances in quantities or concentrations that have the same potential effects as those substances. The unauthorized disposal of hazardous wastes is often the cause of soil and water contamination. A number of hazardous waste collection, treatment and disposal operators are based in Christchurch or handle their business through there, and their services are available to the District's waste generators.

The Council has recently adopted the Canterbury Hazardous Waste Management Strategy, which promotes the regionally coordinated management of hazardous waste. Under that strategy, the Council has established a Resource Recovery Centre which is a major component in the District's goal of achieving Zero Waste

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to Landfill by 2015. The Centre provides environmentally sound facilities for the temporary storage of domestic hazardous wastes that are dropped off by the public, and for hazardous waste materials that are recovered from the landfill waste stream. The wastes are stored temporarily before they are transported to hazardous waste treatment and disposal contractors.

II – STRATEGY

The district plan uses the following basic strategy to address issues with Hazardous Substances:

- The Council accepts that HSNO controls immediate effects on people's health and safety from the manufacture, use and storage of hazardous substances, and that specific legislation administered by other agencies primarily controls use in workplace situations, transport, building development, and radioactive substances.
- The district plan focuses on matters that are not covered by other, more specific legislation or the functions of the Regional Council.
- Policies and rules are implemented to avoid hazardous substances being stored or disposed of in places where, if they spill or leak, serious environmental effects will occur.
- Controls are imposed over the manufacture, storage and disposal of hazardous substances to protect the amenity values of areas and people's sense of well-being.
- Ensuring that activities in the district that use or produce large quantities of hazardous substances have appropriate disposal plans.
- Managing the use of land which is contaminated by hazardous substances is addressed in Part 2, Section 1.1 – Land and Soil.

The district plan uses the following basic strategy to address issues with Hazardous Substances:

- The plan focuses on matters that are not covered by other, more specific legislation or the functions of Regional Councils.

- ~~Policies and rules to avoid hazardous substances being used, stored or disposed of in places where, if they spill or leak, serious environmental effects will occur.~~
- ~~Controls over the manufacture, use, storage and disposal of hazardous substances to protect the amenity values of areas and people's sense of well being.~~
- ~~Ensuring that activities in the district that use or produce large quantities of hazardous substances have appropriate disposal plans.~~
- ~~Managing the use of land which is contaminated by hazardous substances is addressed in Part 2, Section 1.1 – Land and Soil.~~

~~The Council is satisfied that regulations made under the HSNO 1996 are the appropriate methods to deal with actual effects on people's health and safety from the manufacture, use and storage of hazardous substances.~~

III OBJECTIVES, POLICIES AND METHODS

i. Objectives

1. To ensure that adequate measures are taken to avoid, remedy or mitigate any adverse effects to human health, to the amenity of the rural environment, townships and to the natural environment arising from the manufacture, storage, transport on waterbodies and disposal of hazardous substances.
2. To ensure that adequate measures are taken during the manufacture, storage and disposal of hazardous substances to avoid, remedy or mitigate any adverse effects to the health of livestock and other farm animals, of domestic animals, and of flora and fauna.

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3. To ensure that adequate measures are taken during the manufacture, storage and disposal of hazardous substances to avoid, remedy or mitigate any adverse effects to the life-sustaining capacity and amenity values of waterbodies, land and soil resources.

1. ~~Hazardous substances are recognised as an integral part of rural activities, and they are [R15.2] used in ways that do not adversely affect people, wildlife, natural resources, or the amenity values of the rural area.~~

Explanation and Reasons

Hazardous substances of various kinds are in widespread use in the Selwyn District and are an essential part of everyday life. By their nature, hazardous substances carry an inherent risk of adverse effects should an accident occur. The accidental or deliberate spillage, leak or disposal or inappropriate use of hazardous substances could adversely affect the District's natural resources and primary production resources, and the health of humans, farm and domestic animals and flora and fauna. The presence of large quantities of hazardous substances may also adversely affect the amenity values of townships and rural areas, by their actual or perceived potential adverse effects.

Objectives 1 to 3 minimise that risk. This is achieved through the District Plan provisions to manage the locations where significant quantities of hazardous substances are manufactured, used and stored, including separation from 'sensitive' areas e.g. near waterbodies and residential areas, and to require the safe and secure containment of hazardous substances at those locations. In making those provisions, the Council recognises that the use, transport, discharge and disposal of hazardous substances are controlled by other statutory authorities through legislation and associated controls including the HSNO Act 1996; and through Environment Canterbury's Natural Resources Regional Plan.

The objective recognises that hazardous substances are an integral part of may activities in the rural area. [R15.2]The rural area also [R15.2] has natural

~~resources, wildlife and amenity values which may be adversely affected if hazardous substances spill, leak or are dumped or inappropriately used or [R15.2] disposed of. The District Plan provisions need to [R15.2]:~~

- i. ~~Allow the use and appropriate [R15.2] storage of hazardous substances on site for activities in the rural area; [R15.2] and~~
- ii. ~~Impose sufficient conditions on activities involving hazardous substances to mitigate the risk of affecting the environment.~~

~~The objective also recognises that the rural area may be a sought after location for people to manufacture, treat or dispose of hazardous substances. These activities must not adversely affect natural resources, wildlife and the amenity values of the rural area.~~

~~The objective is achieved through policies and rules to:~~

- ~~Manage the quantity of and conditions under which hazardous substances can be used or stored as permitted activities.~~
- ~~Manage the manufacture, disposal and large scale use or storage of hazardous substances through resource consents.~~
- ~~Work towards getting access to facilities to dispose of hazardous substances.~~

~~Regional councils control discharges of contaminants under Section 30(1)(c) of the Act. They may prosecute people for illegal or accidental discharges but by this stage, damage to the environment has occurred. The strategy in the District Plan is to manage the conditions for using or storing hazardous substances, so if leaks and spills do occur, damage to the environment will be reduced.~~

~~The Council is satisfied that risks to people's health and safety from the manufacture, use or storage of hazardous substances are most appropriately managed by regulations under the Hazardous Substances and New Organisms Act 1996.~~

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(i) Policies and Methods

Manufacture, Use and Storage

- Policy 1**
- a) *Allow appropriate [R15.2] quantities and classes of hazardous substances to be ~~used and~~ stored in the rural area in sufficient quantities [R15.2] to provide for land use undertake activities that are consistent with the District Plan objectives and policies for those areas; and*
 - b) *Ensure hazardous substances are ~~used and~~ stored under conditions which reduce the risk of any leaks or spills contaminating land or water.*

Explanation and Reasons

Many activities in the rural area use hazardous substances. The quantities ~~used and~~ stored are often sufficient to contaminate land and soil with significant adverse effects, therefore, the Plan provisions need to allow hazardous substances to be ~~used and~~ stored on site to be practical, but subject to conditions to protect the environment. **Policy 1** is implemented

using rules relating to the quantities and conditions for, manufacturing, storing and disposing of hazardous substances at any site. Resource consents are required where specified threshold quantity limits for hazard substances are exceeded, and/or specific site controls or other performance criteria are not complied with. Activities that comply with the performance criteria and do not exceed the specified quantity limit thresholds have permitted status in terms of the hazardous substances rules of the Plan.

The threshold quantity limits in Appendix 9 are a convenient measure to use to distinguish between small-scale activities where effects are likely to be minor, and larger scale activities that require resource consent. The classification system used in the Appendix is based on the provisions of the HSNO legislation. The quantity limits have been established with regard to local conditions and requirements, and with due consideration to the HSNO controls, to national

guidelines and procedures published and advocated by the Ministry of the Environment and the Environmental Risk Management Authority, to the Natural Resources Regional Plan, and to District Plans published by other territorial local authorities.

Some HSNO classes are not listed in Appendix 9 because they are not considered to have a significant hazard rating in the land-use planning context. In this case, no restrictions apply under the District Plan. However, many hazardous substances have more than one HSNO class or category. Where this is the case, the most restrictive class or category will be applied, as this recognises the possible extent of the health and safety risks associated with the substance.

When assessing compliance with the provisions of the hazardous substances rules and when considering applications for resource consents involving storage, use, disposal or transportation of hazardous substances, the Council will consider the types and quantities of hazardous substances and the adequacy of controls and conditions on the hazardous substances at the application site, the location of the substances relative to sensitive environments and natural resources, and the degree of risk of flooding or earthquake in the area of the site. The Council will also have due consideration of any controls imposed by other legislation. This will include but will not be limited to the provisions of the Hazardous Substances and New Organisms Act 1996 and Regulations (including test certification, approved handler certificates, controlled substances licences and codes of practice issued by or recognised by ERMA), the Natural Resources Regional Plan and resource consents issued by the Canterbury Regional Council, and the Health and Safety in Employment Act 1992.

The Council recognises that the use, transport, discharge and disposal of hazardous substances are also controlled by other statutory authorities through legislation and associated controls including the HSNO Act 1996; and through Environment Canterbury's Natural Resources Regional Plan.

by rules which allow the appropriate [R15.2] use and storage of hazardous substances up to specified quantities as a *permitted activity* (no resource consent required). The rule includes conditions for how hazardous substances are used

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~~and stored to contain any leaks or spills. Specific rules also restrict the storage of hazardous substances in close proximity to waterbodies, wetlands or areas of cultural significance. [R15.2] A resource consent is needed to use or store larger quantities of hazardous substances than the rule allows (See Appendix 15 for maximum quantities for permitted activities). The Dangerous Goods Licensing Regulations have been used as a guide where appropriate. It is a convenient measure to use to distinguish between small scale activities where effects are likely to be minor, and large scale activities. The rules are not intended to duplicate the Dangerous Goods Licensing Regulations which address people's health and safety. The Hazardous Substances and New Organisms Act (HSNO) establishes national guidelines and procedures and is also of relevance in considering the use of hazardous substances. [R15.2]~~

Method

- District Plan Rules Hazardous Substances
- Other Legislation To address specialist areas of health and safety
- Regional Council Rules To control the discharge of hazardous substances

Policy 2. *Limit [R15.2] manufacturing, and avoid [R15.2] disposing of hazardous substances near any of the following areas:*

- (i) *Waterbodies [R17A.2] or wetlands.*
- (ii) *Areas of outstanding natural features and landscapes. [R37.2]*
- (iii) *Significant ecological sites.*
- (iv) *Sites of heritage or cultural values.*
- (v) *Popular recreational areas.*
- (vi) *Dwellings^{V13}, other than a dwelling^{V13} on the same site as the activity.*

Explanation and Reasons

^{V13} Variation 13 – 2 November 2002

Policy 2 is intended to protect waterbodies [R17A.2], wildlife and areas with special values from potential adverse effects caused by the manufacture[R15.2] or disposal of hazardous substances. Policy 2 also avoids adverse effects on amenity values and concern among residents, from having activities involving large quantities of hazardous substances close by.

The policy and associated rules apply to significant ecological sites, heritage sites and outstanding natural features [R37.2] which are identified using the processes set out in the District Plan. The policy and rules [R15.2] also apply to all waterbodies [R17A.2]. In assessing a resource consent application to manufacture or dispose of hazardous substances, [R15.2] the consent authority shall also consider potential effects on any cultural or recreational values of the site and surrounds and the proximity of dwellings on surrounding sites.

Methods

- District Plan Rules - Hazardous Substances

Transport

Policy 3. *Avoid transport of hazardous substances on the surface of waterbodies [R17A.2] in watercraft, if there is an alternative vehicular access to the site by land.*

Explanation and Reasons

A hazardous substance spilled into a waterbody [R17A.2] can cause both immediate and delayed adverse effects to aquatic life and ecological, cultural, recreational and amenity values. Such a spill is also much harder to contain and clean up than when it is spilled on to land, and the effects may become widespread as contaminants are carried downstream or disperse on water surfaces. Areas of water often have aquatic life and ecological, cultural, recreational and amenity values, which are adversely affected by a spill. **Policy 3** recognises that there is no need to risk transporting hazardous substances on the surface of a waterbody [R17A.2] when there is alternative access to a site, over land. The corresponding

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rule does not apply to spare fuel for motorised water craft or hazardous substances found in the motor of such craft.

Methods

- District Plan Rules - Transport of Hazardous Substances

Disposal

Policy 4. Ensure parties who manufacture ~~store or use~~ commercial large quantities of hazardous substances have the means to dispose of hazardous substances and their containers without adversely affecting the environment.

Policy 5 Work toward obtaining access to appropriate hazardous waste treatment and disposal facilities for residents and ratepayers of the District.

Explanation and Reasons

Under Policies 4 and 5, the Council will work with Environment Canterbury and other District Councils, to develop solutions for disposing of hazardous substances and hazardous waste, including empty hazardous substance containers. The Council will also encourage manufacturers and users of hazardous substances and generators of hazardous wastes to participate in identifying and developing waste disposal options.

Environment Canterbury, in conjunction with other local authorities including Selwyn District Council, has developed the Canterbury Regional Hazardous Waste Management Strategy for dealing with hazardous waste. It provides that basis for a co-ordinated region wide approach to the minimisation and management of hazardous waste. Under that strategy, facilities are being developed by the Council to receive and store domestic hazardous wastes from residents throughout Selwyn District.

Where potentially large quantities or concentrations of hazardous waste are being generated, the Plan rules require that party to submit a disposal plan for approval by the consent authority before establishing in the District.

Methods

- District Plan Rule - Hazardous Substances
- Trade Waste Bylaws
- Advocacy - Continue to advocate for a co-ordinated approach to hazardous waste disposal in Canterbury as a signatory to the Canterbury Regional Hazardous Waste Management Strategy

~~There are no facilities in the Selwyn District to collect or dispose of hazardous substances or their containers. Therefore, any party producing hazardous waste has to find its own means for disposing of it. Where potentially large quantities or concentrations of hazardous waste are being generated, the Plan rules require that party to submit a disposal plan for approval by the consent authority before establishing in the District.~~

Methods

- ~~District Plan Rule~~ ~~Hazardous Substances~~
- ~~Trade Waste Bylaws~~

~~Policy 5. Work towards obtaining access to hazardous waste treatment and disposal facilities for residents and ratepayers of the District.~~

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Explanation and Reasons

~~There are currently no specialist facilities in Selwyn District to dispose of hazardous substances or containers, or to collect such items for disposal elsewhere.~~

~~The Council is working with Environment Canterbury and other District Councils to develop solutions for disposing of hazardous waste. This includes a policy for hazardous waste disposal which has been adopted by Environment Canterbury. The Council will also encourage manufacturers and users of hazardous substances to participate in developing waste disposal options.~~

~~Environment Canterbury, in conjunction with other local authorities including Selwyn District Council, has developed a hazardous waste management strategy for dealing with hazardous waste. It provides the basis for a co-ordinated region wide approach to the minimisation and management of hazardous waste. [R15.7]~~

Method

- ~~Signatory to Environment
Canterbury's Hazardous Waste
Disposal Policy~~

IV - ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section 3.2;

1. Adverse effects of hazardous substances on the environment are minimised. [R15.7]
2. Reduced instances of land becoming contaminated where hazardous substances have been ~~used or~~ stored.
3. Reduced risk of waterbodies [R17A.2] becoming contaminated from hazardous substances.

4. Access to facilities for the treatment and disposal of hazardous substances. [R15.7]
5. Users of large quantities of hazardous substances follow plans to minimise the amount of hazardous waste they produce and to dispose of that waste in ways that have minimal effects on the environment.

V - MONITORING

Please refer to Appendix 1.

VOLUME TWO: RURAL

PART THREE: DISTRICT PLAN RULES, RULE VII - HAZARDOUS SUBSTANCES

RULE VII - HAZARDOUS SUBSTANCES

Notes:

1. The ~~use~~, storage, transport or disposal of any hazardous substance is a permitted activity (no resource consent required) if all the rules listed under the column headed 'Permitted Activities' are complied with.
2. The ~~use~~, storage, transport or disposal of any hazardous substance which does not comply with the rules for permitted activities has the status set out in the corresponding rule(s) in the column headed 'Other Activities'.
3. Where more than one HSNO class or category applies to a hazardous substance, the class with the most restrictive thresholds will apply.
4. Rule VII does not apply to the disposal of any hazardous substance by use of it in accordance with the manufacturer's instructions, ~~nor to empty containers which are disposed of in accordance with the manufacturer's instructions.~~
5. Underlined words are defined in Part 3, Section 3 of the Plan.
6. Any activity involving the storage, use, disposal, discharge or transportation of a hazardous substance may require resource consent from Environment Canterbury. Therefore, Environment Canterbury should be consulted.
7. **PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.**

Permitted Activities	Other Activities
<p>Use and Storage</p> <p>1. The use or storage of any hazardous substance if all of the following conditions are met:</p> <p>1.1 The quantity of each individual sub-class of [R15.6] hazardous substance used or stored complies with the maximum quantities set out in Appendix</p>	<p>Use and Storage</p> <p>2.1 Any use or storage of hazardous substances which does not comply with Rule 1 shall be a <i>discretionary activity</i>.</p>

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Permitted Activities	Other Activities
<p>15;</p> <p>1.2 Any area used to store the hazardous substance or goods treated with the hazardous substance <u>except for Liquefied Petroleum Gas (LPG)</u> has an impervious surface which:</p> <p>1.2.1 Is separated from the bare ground;</p> <p>1.2.2 Is designed to contain any runoff of the substance or water contaminated with the substance;</p> <p>1.2.3 Has a minimum area able to be used to contain the hazardous substance amounting to:</p> <p>(i) the amount of containment available is no less than 110% [R15.5] of the total [R15.5] volume of [R15.5] stored hazardous substance where the area is roofed; or</p> <p>(ii) 120% of the volume of any stored hazardous substance where the area is unroofed;</p> <p>1.3 The hazardous substance is stored in a sealed container which:</p> <p>1.3.1 Is made of a sound material that will not be weakened or corroded by the hazardous substance being stored in it;</p> <p>1.3.2 Is permanently labelled with the name of the contents; and</p> <p>1.3.3 Contains only one type of hazardous substance;</p> <p>1.4 The hazardous substance is not stored:</p> <p>1.4.1 Within 20m of any waterway or any wetland which adjoins a waterway; and</p> <p>1.4.2 In any area shown on the Planning Maps as a Silent File area, Wāhi</p>	

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Permitted Activities	Other Activities
[Cl 16(2), 1 st Sch RMA] Taonga site, Wāhi [Cl 16(2), 1 st Sch RMA] Taonga Management Area, or Mahinga Kai site.	
<p>Transport</p> <p>3. The transport of any hazardous substance in a boat or other craft over the surface of any waterway if any one of the following conditions is met:</p> <p>3.1 The hazardous substance is contained in the motor or fuel tank of a motorised craft; or</p> <p>3.2 The hazardous substance is spare fuel for a motorised craft and is carried in a sealed container specifically designed for that purpose; or</p> <p>3.3 There is no road or vehicular access to the site where the hazardous substance is to be used and the hazardous substance is:</p> <p>3.3.1 Carried in a sealed, waterproof container which is specifically designed to carry that substance; and</p> <p>3.3.2 Permanently labelled with the name of the hazardous substance.</p>	<p>Transport</p> <p>4.1 Any activity which does not comply with the Rule 3 shall be a <i>non-complying activity</i>.</p>
	<p>Manufacture</p> <p>7.1 The manufacture of any hazardous substance, as either a product or by-product, shall be a <i>discretionary activity</i>.</p>
	<p>Disposal</p> <p>6.1 The use of any land or facilities to dispose of any hazardous substance shall be a <i>non-complying activity</i>.</p> <p><i>Note – disposal of any solid waste must comply with Rule VIII.</i></p>

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Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the plan, when making a decision on a resource consent application. **Any person making a resource consent application is advised to read all the objectives and policies in Part Two of the Plan.**

Rule Nos	Topic	Part 2, Section	Objectives & Policies
1.1, 1.2, 1.3, 1.4 & 2.1	Use & Storage	1.1 1.3 1.4 3.2 3.3 3.4 4.2	Objectives 1 & 2, Policy 1 Objective 1, policies 1 & 2 Objective 1, policies 2 & 3 Objective 1, policies 1 & 2 Objectives 1 & 2, policies 2 to 5 & 8 Objectives 1 & 2, policies 1, 3 & 18 to 20 Objectives 1 & 2, Policy 8
3.1, 3.2, 3.3 & 4.1	Transport	1.4 3.2	Objective 1, Policy 4 Objective 1, Policy 3
5.1	Manufacture	1.1 1.2 1.3 1.4 1.5 3.1 3.2 3.3 3.4 4.2	Objective 2, Policy 1 Objective 1 Objective 1, policies 2 & 3 Objective 1, Policy 4 Objective 1 Objective 1 Objective 1, policies 2 & 4 Objectives 1 & 2, policies 2 to 4 & 8 Objectives 1 & 2, policies 1 to 3 & 18 to 20 Objectives 1 & 2, Policy 8

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6.1	Disposal	1.1 1.2 1.4 1.5 3.1 3.2 3.3 3.4 4.2	Objective 2, Policy 10 Objective 2, Policy 5 Objective 1, Policy 3 Objective 1 Objective 1 Objective 1, policies 4 & 5 Objectives 1 & 2, policies 2 to 4 & 8 Objectives 1 & 2, policies 1 to 3 & 18 to 20 Objectives 1 & 2, Policy 8
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Reasons for Rules

~~Potential effects on people's health or safety from the use, storage or transport of hazardous substances are addressed through other legislation. The Council is satisfied that regulations made under the Hazardous Substances and New Organisms Act 1996 are the most appropriate mechanisms to manage effects on people's health and safety.~~

The District Plan provisions manage the effects of hazardous substances on the environment, including on amenity values. The Plan recognises that the use of hazardous substances is an every day part of many activities in the Rural Zone and that the use of these substances is adequately controlled by the Regional Council and other legislation. The Plan rules allow sufficient quantities of hazardous substances to be ~~used and~~ stored on-site for these such activities, as a *permitted activity* (no resource consent needed). ~~The quantity limits have been established with regard to local conditions and requirements, and with due consideration to the HSNO controls, to national guidelines and procedures published and advocated by the Ministry of the Environment and the Environmental Risk Management Authority, to the Natural Resources Regional Plan, and to District Plans published by other territorial local authorities. quantities of hazardous substances able to be used and stored as a permitted activity are based on the quantities in the Dangerous Goods Licensing [Cl 16(2), 1st Sch RMA] Regulations. The rule does not attempt to duplicate these regulations. Rather, it uses these quantities as a guide because they are a simple and familiar measure to distinguish between small amounts and larger amounts where increased management of potential effects may be needed. The use of larger quantities of hazardous substances may be appropriate in the Rural Zone, however, a resource~~ Where those quantities are exceeded, resource consent is required to ensure that the hazardous substances are is appropriately controlled~~stored.~~ Similarly, the manufacture of hazardous substances may be appropriate in the Rural Zone subject to a resource consent.

Many of the potential effects on health and safety of the use and storage of hazardous substances are addressed through other legislation and that the use of these substances is adequately controlled by the Regional Council and other authorities. The district plan complements this legislation by addressing the effects of hazardous substances on health and safety, on prevailing and anticipated amenity values, and the wider potential environmental impact of those substances.

The District Plan Rules contain conditions to avoid or reduce the severity of effects on the environment from the accidental spillage or leakage of a hazardous substance. ~~The District Plan~~ rules apply to activities where there is no intentional discharge. While accidental leaks and spills can be prosecuted as unlawful discharges, the damage to the environment has already occurred. The District Plan therefore adopts a preventative approach. Regional Councils control the intentional discharge of contaminants under the Act.

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The transport of hazardous substances over waterways and the disposal of hazardous substances are discouraged. Hazardous substances that leak or spill into water are more difficult to contain than on land, and the potential effects on wildlife, drinking water supplies, recreational and cultural values are much higher.

~~Selwyn District does not have any facilities for the appropriate disposal of hazardous substances. Therefore t~~The disposal of hazardous substances in the District is a *non-complying activity*. Disposal does not include the application of hazardous substances in accordance with manufacturer's instructions, or the disposal of containers in accordance with manufacturer's instructions. In these cases, effects on the environment are likely to be minor.

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VOLUME TWO: RURAL

PART THREE: DISTRICT PLAN RULES, APPENDIX 15 HAZARDOUS SUBSTANCES

The Tables in this Appendix are intended only for defining status of a proposed land use activity under the Selwyn District Plan, and not for any purpose under HSNO or other legislation.

The full description of HSNO classes, sub-classes and categories as well as explanations of terms used are contained in the Hazardous Substances Regulations. Detailed information on the application of the HSNO classification system to individual substances is available from the Environmental Risk management Authority (ERMA).

Substances being evaluated against the Table should be identified in the first instance by reference to container labeling, Manufacturer's Safety Data Sheets (MSDS) or information published by ERMA. Substances not assigned a HSNO classification may need to be identified by their UN Class, however HSNO classes and categories do not always correspond perfectly with the UN Classification. Consultation with the supplier or manufacturer of the substance may be necessary.

It is important to note that

- A number of HSNO classes or sub-classes that do not have a significant hazard rating in the land-use planning context are omitted from the Tables.
- Many hazardous substances have more than one HSNO class or category. Where this is the case, the most restrictive class or category will apply.
- Examples of common substances are given only as an indication of substances with hazardous characteristics that may be associated with land use in the District.

TABLE 1: Classification of Hazardous Substances

Hazardous substance type	Examples (including but not limited to)	HSNO Class/ Category	UN Class	Description	Health and safety hazard
Explosive substances	<i>Nitrate mixtures, nitro compounds, chlorate mixtures, gunpowder, or nitro compound adapted and exclusively used in the preparation or manufacture of cartridges for small arms, or for flares;ammunition/ detonators (excluding those purchased for personal sporting or recreational small arms use)</i>	1.1	1.1	Substances and articles that have a mass explosion hazard.	Fire/explosion (High hazard)
		1.2	1.2	Substances and articles that have a projection hazard but not a mass explosion hazard	Fire/explosion (Medium hazard)
		1.3	1.3	Substances and articles that have a fire hazard and either a minor blast hazard or a minor projection hazard or both.	Fire/explosion (Low hazard)

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		1.5	1.5	Very insensitive substances that have a mass explosion hazard	Fire/explosion (Low hazard)
Flammable gases	<i>LPG , acetylene, hydrogen, methane,</i>	2.1.1A	2.1	a) Ignitable when in a mixture of 13% or less by volume with air; or b) Has a flammable range with air of at least 12%, regardless of the lower flammability limit.	Fire/explosion (High hazard)
		2.1.2A - Flammable Aerosols	2.1	An aerosol comprising 45% or more by mass of flammable ingredients.	Fire/explosion (High hazard)
		LPG	2.1		Fire/explosion (Medium hazard)
Flammable liquids	<i>Liquid fuels, solvents, adhesives etc:</i> <i>Petrol, ethyl alcohol, methyl alcohol, Isopropyl alcohol, acetone, benzene, toluene, butylamine, MIBK</i> <i>Kerosene, styrene monomer, cyclohexanene, turpentine, butyl methacrylate, chlorobenzene, ethoxyethanol</i> <i>Diesel, petroleum oils</i>	3.1.A	3 PGI	A flash point of less than 23°C and an initial boiling point of less than or equal to 35°C.	Fire/explosion (Very high hazard)
		3.1B	3 PGII	A flash point of less than 23°C and an initial boiling point of greater than 35°C.	Fire/explosion (Medium hazard)
		3.1C	3 PGIII	A flash point of greater than or equal to 23°C but less than or equal to 60°C.	Fire/explosion (Medium hazard)
		3.1D	Combustible liquids	A flash point of greater than 60°C but less than or equal to 93°C.	Fire/explosion (Low hazard)
Liquid desensitised explosives	<i>Nitroglycerine mixture/solution</i> <i>Nitrocellulose solution</i>	3.2A 3.2B 3.2C	3 PGI 3 PGII 3 PG III	a) A substance that: (i) is listed as a liquid desensitized explosive and is assigned Packing Group I, II or III in the UN Model Regulations; or b) A liquid desensitised explosive that: (i) is formed from an explosive of Class I by adding a desensitizing agent to form a liquid that no longer meets the	Fire/explosion (High hazard)

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				threshold for Class I; and (ii) is not listed in the UN Model Regulations and is not assigned a Packing Group.	
Flammable solids – readily combustible solids and solids that may cause fire through friction	<i>Red phosphorus, ammonium picrate, picric acid, monomethylamine nitrate, nitrocellulose, trinitrobenzene, magnesium and aluminium powders</i> <i>Alkali metals eg sodium, potassium, lithium, calcium, magnesium, metal hydrides, metal carbides.</i>	4.1.1A	4.1(a) PG II	A substance that burns rapidly or the reaction spreads rapidly or may cause fire through low friction in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (Medium hazard)
		4.1.1B	4.1(a) PG III	A substance that has lower ratings than 4.1.1A in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (Low hazard)
Self-reactive substances	<i>Azocarbamides, benzene sulphohydrazine, diazonium salts</i>	4.1.2A	4.1(b) Type A Type B	A thermally unstable substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (High hazard)
		4.1.2B			
		4.1.2C 4.1.2D	4.1(b) Type C Type D	A substance with lower ratings than the above two categories in the relevant tests.	Fire/explosion (Medium hazard)
		4.1.2E 4.1.2F 4.1.2G			
Solid desensitised explosives	<i>Nitroglycerine -solid, desensitised</i>	4.1.3A 4.1.3B 4.1.3C	4.1(c) PG I PG II PG III	a) A substance with one of the specified UN serial numbers listed in the UN Model Regulations; or b) A solid desensitised explosive that is formed from an explosive of Class I by adding a desensitising agent to form a solid substance that no longer meets the threshold for Class I.	Fire/explosion (High hazard)
Spontaneously		4.2A	4.2	a) A solid substance that does not meet	Fire/explosion

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combustible substances	<i>A variety of metallic, organic and inorganic compounds and mixtures</i>	Spontaneously combustible and pyrophoric substances	PG I	the criteria for subclass 4.1.2, but ignites within 5 minutes on contact with air under the relevant test conditions in the UN Manual of Tests and Criteria; or b) A substance that does not meet the criteria for subclass 4.1.2, but is a liquid which ignites or chars the filter paper under the relevant test conditions.	(High hazard)
		4.2B Spontaneously combustible and self- heating substances	4.2 PG II	A substance that does not meet the criteria for subclass 4.1.2 but meets specified criteria under the relevant test conditions.	Fire/explosion (High hazard)
		4.2C Spontaneously combustible and self- heating substances	4.2 PG III	A substance that does not meet the criteria for subclass 4.1.2, which, depending on quantity, meets specified criteria under the relevant test conditions.	Fire/explosion (Medium hazard)
Solids that emit flammable gas when in contact with water	<i>Compounds derived from reactive metals e.g. compounds of aluminium, calcium, lithium, magnesium, , potassium, phosphorus, sodium</i>	4.3A	4.3 PG I	a) A substance that emits a gas that ignites when a small quantity of the substance is brought into contact with water; or b) A substance that reacts readily with water at ambient temperatures such that the rate of evolution of flammable gas is > 10 litres/kg over any 1 minute.	Fire/explosion (High hazard)
		4.3B	4.3 PG II	A substance that reacts readily with water at ambient temperatures such that the maximum rate of evolution is > 20 litres/ kg per hour.	Fire/explosion (High hazard)
		4.3C	4.3 PG III	A substance that reacts slowly with water at ambient temperatures so that the maximum rate of evolution of flammable gas is > 1 litre /kg per hour.	Fire/explosion (Medium hazard)
Oxidising	<i>Water treatment chemicals e.g. pool</i>	5.1.1A	5.1	a) A substance listed as 5.1 in the UN	Fire/explosion

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substances – liquids or solids	<i>chlorine granulesl</i> <i>Chromates, bromates, chlorates, chlorites, nitrates, permanganates</i>		PG I	Model Regulations and assigned Packing Group I; or b) A solid that when mixed with dry cellulose either spontaneously ignites or exhibits a mean burning time less than that of a specified reference material; or c) A liquid that when mixed with dry cellulose forms a mixture that either spontaneously ignites or exhibits a mean pressure rise time less than that of a specified reference material.	(High hazard)
		5.1.1B	5.1 PG II	a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group II; or b) A solid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than a specified reference material; or c) A liquid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less than or equal to that of a specified reference material.	Fire/explosion (High hazard)
		5.1.1C	5.1 PG III	a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group III; or b) A solid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than that of a specific reference material; or c) A liquid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less	Fire/explosion (Medium hazard)

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				than or equal to that of a specified reference material.	
Oxidising substances - gases	<i>Oxygen gas</i>	5.1.2A	2.2	a) A gas that is listed as 5.1 in the UN Model Regulations; or b) A gas that causes or contributes to combustion of other material at a faster rate than air.	Fire/explosion (High hazard)
Organic Peroxides	<i>Any organic peroxide</i>	5.2A 5.2B	5.2 Type A Type B	A substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (High hazard)
		5.2C 5.2D	5.2 Type C Type D	A substance with lower ratings than 5.2A or B in the relevant tests.	Fire/explosion (Medium hazard)
		5.2E 5.2F 5.2G	5.2 Type E Type F Type G	A substance with even lower ratings than 5.2A or B in the relevant tests.	Fire/explosion (Low hazard)
Toxic substances	<i>A wide range of industrial and commercial chemicals including compounds derived from arsenic, cadmium, copper, chromium, lead, nickel, mercury (including amalgams), zinc. Cyanides, methyl bromide, acrylamide, phenols, chlorophenols, aniline, oxalates</i> <i>Toxic substances land use thresholds in this Table are identified in the following subgroups:</i> <u><i>Agrichemicals and Pesticides</i></u> <i>Bipyridyls, carbamates,</i>	6.1A	6.1 PGI 2.3 (gases)	Oral toxicity: LD50 of less than or equal to 5 mg/kg <ul style="list-style-type: none"> Dermal toxicity: LD50 of less than or equal to 50 mg/kg Inhalation toxicity (gas): LC50 of less than or equal to 100 ppm Inhalation toxicity (vapour): LC50 of less than or equal to 0.5 mg/l Inhalation toxicity (dust/mist): LC50 of less than or equal to 0.05 mg/l 	Human health (High hazard)
		6.1B	6.1 PGII 2.3 (gases)	<ul style="list-style-type: none"> Oral toxicity: LD50 of greater than 5 mg/kg but less than or equal to 50 mg/kg Dermal toxicity: LD50 of greater than 	Human health (High hazard)

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	<p><i>dinitrophenols, organophosphates, organochlorines, phenoxy compounds</i></p> <p><u>HSNO 'Controlled Substances'</u> <i>Fumigant gases, vertebrate poisons e.g. chloropicrin, methyl bromide, cyanide baits, 1080</i></p> <p><u>Toxic gases (other than gases that are HSNO 'Controlled Substances')</u> <i>Chlorine, ammonia</i></p> <p><u>Timber treatment chemicals</u> <i>Compounds derived from arsenic, copper, chromium, tin, boron, light organic solvent preservatives, anti sapstain chemicals.</i></p> <p><u>Chlorinated hydrocarbons</u> <i>Any compound containing carbon, hydrogen and chlorine including Trichloroethene, tetrachloroethene, 1,1,1-trichloroethane, tetrachloromethane, bromodichloromethane, trichloromethane</i></p> <p><u>Any other toxic substances</u></p>	6.1C	6.1 PGIII	<p>50 mg/kg but less than or equal to 200 mg/kg</p> <ul style="list-style-type: none"> • Inhalation toxicity (gas): LC50 of greater than 100 ppm but less than or equal to 500 ppm • Inhalation toxicity (vapour) LC50 of greater than 0.5 mg/l but less than or equal to 2.0 mg/l • Inhalation toxicity (dust/mist) LC50 of greater than 0.05 mg/l but less than or equal to 0.5 mg/l 	Human health (Medium hazard)
		6.1D	Toxic Substances Regulations: Standard Poison	<ul style="list-style-type: none"> • Oral toxicity: LD50 of greater than 50 mg/kg but less than or equal to 300 mg/kg • Dermal toxicity: LD50 of greater than 200 mg/kg but less than or equal to 1000 mg/kg • Inhalation toxicity (gas): LC50 of greater than 500 ppm but less than or equal to 2500 ppm • Inhalation toxicity (vapour) LC50 of greater than 2.0 mg/l but less than or equal to 10.0 mg/l • Inhalation toxicity (dust/mist) LC50 of greater than 0.5 mg/l but less than or equal to 1.0 mg/l 	Human health (Low hazard)

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				equal to 20 mg/l • Inhalation toxicity (dust/mist) LC50 of greater than 1.0 mg/l but less than or equal to 5.0 mg/l	
Radioactive material		N/A ⁵	7		
Corrosive substances	<i>Acids e.g. nitric, sulphuric, hydrochloric, hydrofluoric acids; trichloro acetic acid.</i> <i>Alkalis e.g. sodium, potassium and lithium hydroxides, zinc chloride, zirconium tetrachloride, sulphur chlorides, silicon tetrachloride, phosphorus pentoxide, ferric chloride, phenolsuphanic acid, hydroxylamine sulphate, hexyl-trichlorosilane, ethanolamine.</i>	8.2A 8.2B 8.2C	8 PG I 8 PG II 8 PG III	Data indicate irreversible destruction of dermal tissue following brief exposure Data indicate irreversible destruction of dermal tissue following moderate exposure Data indicate irreversible destruction of dermal tissue following lengthy exposure (up to four hours)	Human health (High hazard) Human health (Medium hazard) Human health (Low hazard)
Ecotoxic substances	<i>A wide variety of organic and inorganic compounds, mixtures and materials that may or may not be classified in other HSNO categories</i>	9.1A Substances that are very ecotoxic in the aquatic environment 9.1B Substances that	GHS GHS	Acute aquatic toxicity value ⁶ of less than or equal to 1 mg/l Chronic aquatic toxicity ⁷ of less than or equal to 1 mg/l and	Environment (High hazard) Environment (Medium hazard)

⁵ Radioactive substances are controlled under the Radiation Protection Act by the National Radiation Laboratory of the Ministry of Health.

⁶ 'Acute aquatic toxicity value' means the lowest value expressed in units of milligrams of a substance per

(a) fish LC50 data after a 96-hour exposure period; or

(b) crustacean EC50 data after a 48-hour exposure period; or

(c) algal, or other aquatic plant EC50 data after a 72-hour exposure period.

⁷ 'Chronic aquatic toxicity' means the lowest value expressed in units of milligrams of a substances per litre of water from chronic fish, crustacean, algal, or other aquatic plant NOEC (no observed effect concentration) data.

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		are ecotoxic in the aquatic environment		<p>a) acute aquatic toxicity value of greater than 1 mg/l but less than 10 mg/l; and</p> <p>b) not rapidly degradable or is bioaccumulative, or is not rapidly degradable and is bioaccumulative.</p>	
		9.1C Substances that are harmful in the aquatic environment	GHS	<p>Chronic aquatic toxicity of less than or equal to 1 mg/l and:</p> <p>a) acute aquatic toxicity value of greater than 10 mg/l but less than 100 mg/l; and</p> <p>b) not rapidly degradable or is bioaccumulative or, is not rapidly degradable and is bioaccumulative.</p>	Environment (Medium hazard)
		9.1D Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action	GHS	<p>a) Acute aquatic toxicity value of greater than 1 mg/l but less than 100 mg/l, but does not meet classification criteria for 9.1A, 9.1B or 9.1C; or</p> <p>b) Chronic aquatic toxicity value is less than or equal to 1 mg/l but does not meet classification criteria for 9.1B or 9.1C; or</p> <p>c) Not rapidly degradable and is bioaccumulative but does not meet classification criteria for 9.1A, 9.1B or 9.1C.</p>	Environment (Low hazard)

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TABLE 2: Land Use Quantity Limits for Classes of Hazardous Substances

Hazardous substance type	Examples (including but not limited to)	HSNO Class/ Category	Quantity Limit
Explosive substances	<i>Nitrate mixtures, nitro compounds, chlorate mixtures, gunpowder, or nitro compound adapted and exclusively used in the preparation or manufacture of cartridges for small arms, or for flares; ammunition/ detonators (excluding those purchased for personal sporting or recreational small arms use)</i>	1.1 1.2 1.3 1.5	2.5 kg/litres 15 kg/litres 75 kg/litres 75 kg/litres
Flammable gases	<i>LPG , acetylene, hydrogen, methane,</i>	LPG 2.1.1A 2.1.2A - Flammable Aerosols	600 kg 100 kg 100 kg
Flammable liquids	<i>Liquid fuels, solvents, adhesives etc: Petrol, ethyl alcohol, methyl alcohol, Isopropyl alcohol, acetone, benzene, toluene, butylamine, MIBK Kerosene, styrene monomer, cyclohexanene, turpentine, butyl methacrylate, chlorobenzene, ethoxyethanol Diesel, petroleum oils</i>	3.1.A, 3.1B Aboveground storage ⁸ Underground storage 3.1C 3.1D Aboveground storage ⁹ Underground storage	3,000 litres 3,000 litres 1,000 litres 5,000 litres 5,000 litres
Liquid desensitised explosives	<i>Nitroglycerine mixture/ Solution Nitrocellulose solution</i>	3.2A, 3.2B, 3.2C	30 litres

⁸ Not applicable to fuel tanks connected to motors of road vehicles, farm machinery or locomotives.

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Flammable solids – readily combustible solids and solids that may cause fire through friction	<i>Red phosphorus, ammonium picrate, picric acid, monomethylamine nitrate, nitrocellulose, trinitrobenzene, magnesium and aluminium powders</i> <i>Alkali metals eg sodium, potassium, lithium, calcium, magnesium, metal hydrides, metal carbides.</i>	4.1.1A, 4.1.1B	1 kg
Self-reactive substances	<i>Azocarbamides, benzene sulphohydrazine, diazonium salts</i>	4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	1 kg
Solid desensitised explosives	<i>Nitroglycerine -solid, desensitised</i>	4.1.3A, 4.1.3B, 4.1.3C	5 kg
Spontaneously combustible substances	<i>A variety of metallic, organic and inorganic compounds and mixtures</i>	4.2A Spontaneously combustible and pyrophoric substances 4.2B Spontaneously combustible and self-heating substances 4.2C Spontaneously combustible and self-heating substances	25kg 25kg 25kg
Solids that emit flammable gas when in contact with water	<i>Compounds derived from reactive metals e.g. compounds of aluminium, calcium, lithium, magnesium, , potassium, phosphorus, sodium</i>	4.3A, 4.3B 4.3C	1kg 1kg
Oxidising substances – liquids or solids	<i>Water treatment chemicals e.g. pool chlorine granulesl</i> <i>Chromates, bromates, chlorates, chlorites, nitrates, permanganates</i>	5.1.1A 5.1.1B, 5.1.1C	50 kg/litres 1 kg/litres
Oxidising	<i>Oxygen gas</i>	5.1.2A	100 kg

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substances - gases			
Organic Peroxides	<i>Any organic peroxide</i>	5.2A, 5.2B 5.2C, 5.2D 5.2E, 5.2F, 5.2G	1 kg/litres 1 kg/litres 1 kg/litres
Toxic substances	<p><i>A wide range of industrial and commercial chemicals including compounds derived from arsenic, cadmium, copper, chromium, lead, nickel, mercury (including amalgams), zinc. Cyanides, methyl bromide, acrylamide, phenols, chlorophenols, aniline, oxalates</i></p> <p><i>Toxic substances land use thresholds in this Table are identified in the following subgroups:</i></p> <p><u>Agrichemicals and Pesticides</u> <i>Bipyridyls, carbamates, dinitrophenols, organophosphates, organochlorines,. phenoxy compounds</i></p> <p><u>HSNO ‘Controlled Substances’</u> <i>Fumigant gases, vertebrate poisons e.g. chloropicrin, methyl bromide, cyanide baits, 1080</i></p> <p><u>Toxic gases</u> (other than gases that are HSNO ‘Controlled Substances’) <i>Chlorine, ammonia</i></p> <p><u>Timber treatment chemicals</u> <i>Compounds derived from arsenic, copper, chromium, tin, boron, light organic solvent preservatives, anti sapstain chemicals.</i></p> <p><u>Chlorinated hydrocarbons</u> <i>Any compound containing carbon, hydrogen and chlorine including Trichloroethene, tetrachloroethene, 1,1,1-trichloroethane, tetrachloromethane, bromodichloromethane, trichloromethane</i></p> <p><u>Any other toxic substances</u></p>	<p>6.1A, 6.1B, 6.1C, 6.1D (included in the following subgroups)</p> <p><u>Agrichemicals and Pesticides</u></p> <p><u>HSNO ‘Controlled Substances’</u></p> <p><u>Toxic gases</u> (other than gases that are HSNO ‘Controlled Substances’)</p> <p><u>Timber treatment chemicals</u></p> <p><u>Chlorinated hydrocarbons</u></p> <p><u>Any other toxic substances (that are not otherwise Class 3</u></p>	<p>1,000 kg/litres</p> <p>100 kg</p> <p>10 kg</p> <p>20 litres</p> <p>20 litres</p> <p>1 kg/litres</p>

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		<i>flammable liquids)</i>	
Radioactive material		N/A	10 ¹³ bequerel per kilogram
Corrosive substances	<p><i>Acids e.g. nitric, sulphuric, hydrochloric, hydrofluoric acids; trichloro acetic acid.</i></p> <p><i>Alkalis e.g. sodium, potassium and lithium hydroxides, zinc chloride, zirconium tetrachloride, sulphur chlorides, silicon tetrachloride, phosphorus pentoxide, ferric chloride, phenolsuphanic acid, hydroxamine sulphate, hexyl-trichlorosilane, ethanolamine.</i></p>	8.2A, 8.2B, 8.2C	10 kg/litres
Ecotoxic substances	<p><i>Variety of organic and inorganic compounds, mixtures and materials that may or may not be classified in other HSNO categories</i></p>	<p>9.1A Substances that are very ecotoxic in the aquatic environment</p>	1,000 litres/kg
		<p>9.1B Substances that are ecotoxic in the aquatic environment</p>	5,000 litres/kg
		<p>9.1C Substances that are harmful in the aquatic environment</p>	5,000 litres/kg
		<p>9.1D Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action</p>	50,000 litres/kg

SUMMARY OF CHANGES TO HAZARDOUS SUBSTANCES QUANTITY LIMITS IN THE SELWYN DISTRICT PLAN

Reasons for any new and revised limits resulting from the proposed adoption of the HSNO classification system are explained beneath each section where a change has been made from the Plan as it stands prior to the variation. The new classifications and revised limits have been selected with consideration to the character of the zone environments, to relevant HSNO controls, to the Ministry for the Environment's Hazardous Facilities Screening Procedure (HFSP), and to consistency with the existing Plan and the Regional Council's Draft Natural Resources Regional Plan. The quantity limits of the existing Plan have been retained as far as possible, as the Council has adopted them previously after consideration of public submissions.

TOWNSHIPS VOLUME

HAZARDOUS SUBSTANCE TYPE	HAZARDOUS SUBSTANCE CATEGORY		QUANTITY LIMITS			
	EXISTING PLAN CLASS	NEW (HSNO) CLASS	(NEW AND REVISED LIMITS SHOWN IN BOLD ITALICS)			
			LIVING ZONES		BUSINESS 1 ZONE	BUSINESS 2 AND 3 ZONES
			A	B		
CLASS 1 EXPLOSIVES	1a, 1b ("Explosives")	1.1	0 kg/litres	-	2.5 kg/litres	50 kg/litres
		1.2	15 kg/litres	-	15 kg/litres	50 kg/litres
		1.3	15 kg/litres	-	75 kg/litres	100 kg/litres
		1.5	15 kg/litres	-	75 kg/litres	200 kg/litres
Reason for new Explosives limits The increased limits for explosive materials that have moderate or low risk are derived with consideration to the HSNO controls and Hazardous Substances Emergency Management Regulations limits. Lower limits are recommended for the Business 1 and Living Zones, where there is greater population density and greater relative hazard and risk than the Business 2 zone.						
CLASS 2 FLAMMABLE GASES	2.1a, 2.1b, 2.2, 2.3 ("Gases")	LPG	300 kg	-	2,000 kg	8,000 kg
		2.1.1A	100 kg	250 kg	250 kg	250 kg
		2.1.2A - Flammable Aerosols	100 kg	250kg	250 kg	250 kg
CLASS 3 FLAMMABLE LIQUIDS	3a, 3b, 3c ("Flammable Liquids")	3.1.A, 3.1B Aboveground storage ¹	50 litres	-	3,000 litres	5,000 litres
		Underground storage	0 litres	-	5,000 litres	50,000 litres
		3.1C	1,000 litres		3,000 litres	5,000 litres
		3.1D Aboveground storage ⁴ Underground storage	1,000 litres 1,000 litres	-	5,000 litres 30,000 litres	30,000 litres 30,000 litres
Reason for revised Flammable Liquids limits The New 3.1C subclass corresponds to current Plan subclass 3b. The revised 1000 litre limit for 3.1C in Living zones will permit storage of up to 1000 litres of 'home blend' heating oil in normal domestic installations, without resource consent.						

¹Not applicable to fuel tanks connected to motors of road vehicles, farm machinery or locomotives.

APPENDIX TWO TO SECTION 32 REPORT - SUMMARY OF CHANGES TO HAZARDOUS SUBSTANCES QUANTITY LIMITS IN THE SELWYN DISTRICT PLAN

CLASS 3 Liquid desensitised explosives	3a, 3b, 3c ("Flammable Liquids")	3.2A, 3.2B, 3.2C	0 litres	-	30 litres	100 litres
Reason for new Liquid Desensitised Explosives limits Liquid desensitised explosives are a separate HSNO subclass in Class 3 flammable liquids, with an additional explosion hazard. The existing Plan's class 3 limits were originally intended primarily for flammable hydrocarbon liquids in widespread use, e.g. petrol, diesel, solvents. As liquid desensitised explosives have a greater intrinsic hazard, more stringent limits are considered appropriate especially in Living zones where there is no normal cause for such materials being present. The 0kg limit for liquid desensitised explosives is also consistent with the proposed limit for subclass 4.1 solid desensitised explosives.						
CLASS 4 FLAMMABLE SOLIDS	4.1, 4.2, 4.3 ("Flammable Solids")	4.1.1A, 4.1.1B	1 kg	-	25 kg	50 kg
Readily combustible solids and solids that may cause fire through friction						
Self-reactive substances		4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	0 kg	-	5 kg	50 kg
Solid desensitised explosives		4.1.3A, 4.1.3B, 4.1.3C	0 kg	-	5 kg	50 kg
Spontaneously combustible substances		4.2A <i>Spontaneously combustible and pyrophoric substances</i>	1 kg	-	25 kg	50 kg
		4.2B <i>Spontaneously combustible and self-heating substances</i>	1 kg	-	25 kg	50 kg
		4.2C <i>Spontaneously combustible and self-heating substances</i>	1 kg	-	25 kg	500 kg
Solids that emit flammable gas when in contact with water	4.3A, 4.3B	1 kg	-	25 kg	50 kg	
	4.3C	1 kg	-	25 kg	500 kg	
Reasons for new and revised Flammable Solids limits The new subclassification of Class 4 Hazardous Substances reflects the HSNO system. A revision of the existing generic Class 4 limits, to limit self-reactive substances and solid desensitised explosives to 0kg is considered appropriate in Living zones where there is no normal cause for such materials being present. The 0kg limit for solid desensitised explosives is also consistent with the proposed Living Zone limit for subclass 3.2 liquid desensitised explosives. The revised 500kg limits in the Business 2 zone for the least reactive materials in the spontaneously combustible and water-reactive subclasses replaces the existing limits of 50kg, which are considered to be unnecessarily restrictive for industries where such materials may commonly be present.						

APPENDIX TWO TO SECTION 32 REPORT - SUMMARY OF CHANGES TO HAZARDOUS SUBSTANCES QUANTITY LIMITS IN THE SELWYN DISTRICT PLAN

CLASS 5 OXIDISING SUBSTANCES	5.1, 5.2 ("Oxidising Substances")	5.1.1A	50 kg/litres	-	1,000 kg/litres	2,000 kg/litres
		5.1.1B, 5.1.1C	1 kg/litres	-	25 kg/litres	200 kg/litres
Liquids or solids						
Gases		5.1.2A	10 kg	250 kg	250 kg	1,000 kg
Reason for new oxidising substances - gases limits Subclass 5.1.2A replaces existing subclass 2.3. The existing subclass 2.3 limits have been retained with the exception that the existing limit for the Business 1 zone is reduced from 1000kg to 250kg, to be consistent with the controls for other Class 2 gases (other than LPG).						
Organic peroxides	5.1, 5.2 ("Oxidising Substances")	5.2A, 5.2B	1 kg/litres	-	25 kg/litres	200 kg/litres
		5.2C, 5.2D	1 kg/litres	-	25 kg/litres	500 kg/litres
		5.2E, 5.2F, 5.2G	1 kg/litres	-	25 kg/litres	2,000 kg/litres
Reasons for new oxidising substances – organic peroxides limits The current limit for subclass 5.2 Organic Peroxides in the Business 2 zone is 200kg, regardless of relative hazard of the different types of peroxide. This is considered unnecessarily restrictive. The proposed limits allow 500kg/litres for moderate hazard substances and 2000 kg/litres for low hazard substances in this subclass. The new increased limits are still conservative when considered against the recommendations of MfE's Hazardous Facilities Screening Procedure for these subclasses.						
CLASS 6 TOXIC SUBSTANCES	7 ("Toxic and Infectious Substances")	6.1A, 6.1B, 6.1C, 6.1D <u>Including the following subgroups:</u>				
		<u>Agrichemicals and Pesticides</u>	10 kg/litres	50 kg/litres	500 kg/litres	1,000 kg/litres
		<u>HSNO 'Controlled Substances'</u>	0 kg (0m³ gas)	-	0 kg (0m³ gas)	100kg (5m³ gas)
		<u>Toxic gases (other than gases that are HSNO 'Controlled Substances')</u>	0 kg/m³	-	1,000 kg/m³	1,000 kg/m³
		<u>Timber treatment chemicals</u>	20 litres	-	200 litres	200 litres
		<u>Chlorinated hydrocarbons</u>	20 litres	-	1,000 litres	1,000 litres
		<u>Any other toxic substances (that are not otherwise Class 3 flammable liquids)</u>	1 kg/litres	-	200 kg/litres	2,000 kg/litres
		Reasons for new toxic substances limits Class 6 covers a very wide range of substances in everyday use that also fall into other subclasses, for example Class 3 flammable liquids and Class 9 Ecotoxics. For clarity of application in the rural/residential context of Selwyn District, it is reasonable to identify toxic substances in generic subgroups (Agrichemicals, HSNO 'controlled substances'...). The new limits for each subgroup have been selected with due consideration to maintaining consistency with the existing Class 7 limits in the Plan, with the NRRP, and HSNO while also taking account of the relative sensitivity and risk in the different zones. The 1000 kg/litres Business 2 limit for Agrichemicals is consistent with the Rural zone limit for toxic substances in the existing Plan, and with the proposed Class 9.1A limit, recognizing the widespread bulk storage and use of Agrichemicals in the District while also recognising the need to protect water resources. The lower limits for Business 1 and Living zones are consistent with the greater level of hazard and risk to the denser populations in those zones.				

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CLASS 7 RADIOACTIVE MATERIALS	8 ("Radioactive Materials")	N/A	10 ¹³ bequerel per kilogram		10 ¹³ bequerel per kilogram	
CLASS 8 CORROSIVE SUBSTANCES	6	8.2A, 8.2B, 8.2C	10 kg/litres	-	1,000 kg/litres	2,000 kg/litres
CLASS 9 ECOTOXIC SUBSTANCES	9 ("Miscellaneous substances")	9.1A <i>Substances that are very ecotoxic in the aquatic environment</i> 9.1B <i>Substances that are ecotoxic in the aquatic environment</i> 9.1C <i>Substances that are harmful in the aquatic environment</i> 9.1D <i>Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action</i>	25 litres/kg 250 litres/kg 250 litres/kg 250 litres/kg	- - - -	500 litres/kg 500 litres/kg 500 litres/kg 1,000 litres/kg	1000 litres/kg 5,000 litres/kg 5,000 litres/kg 50,000 litres/kg
Reasons for new ecotoxic substances limits Whereas existing Class 9 Miscellaneous Substances specifically includes only timber treatment chemicals and chlorinated solvents, HSNO Class 9 introduces a classification system for a very wide range of substances in everyday use (mainly liquids) that also fall into other subclasses. The limits for each Class 9 subclass have been selected with due consideration to maintaining consistency with the other proposed limits in the Plan, with the NRRP, and HSNO, while also taking account of the relative sensitivity and risk in the different zones. The 1000 kg Business 2 limit is consistent with the limit in the existing Plan for toxic substances that are agrichemicals, and recognises the widespread bulk storage and use of Agrichemicals in the District. The lower limits for Business 1 and Living zones are consistent with the greater level of hazard and risk to the denser populations in those zones.						

APPENDIX TWO TO SECTION 32 REPORT - SUMMARY OF CHANGES TO HAZARDOUS SUBSTANCES QUANTITY LIMITS IN THE SELWYN DISTRICT PLAN

RURAL VOLUME

HAZARDOUS SUBSTANCE TYPE	HAZARDOUS SUBSTANCE CATEGORY		RURAL ZONE QUANTITY LIMITS (NEW AND REVISED LIMITS SHOWN IN BOLD ITALICS)
	EXISTING PLAN CLASS	NEW (HSNO) CLASS	
EXPLOSIVES CLASS 1	1a, 1b ("Explosives")	1.1	2.5 kg/litres
		1.2	15 kg/litres
		1.3	75 kg/litres
		1.5	75 kg/litres
Reason for new Explosives limits The new limits for explosive materials that have moderate or low risk are derived with consideration to the HSNO controls and Hazardous Substances Emergency Management Regulations limits. The limits are consistent with the proposed limits for the Business 1 zone but more stringent than the proposed limit for the Business 4 zone but less stringent than the living zone limit, considering the relatively low density of residential development in the Rural zone.			
FLAMMABLE GASES CLASS 2	2.1a, 2.1b, 2.2, 2.3 ("Gases")	LPG	600 kg
		2.1.1A	100 kg
		2.1.2A - Flammable Aerosols	100 kg
FLAMMABLE LIQUIDS CLASS 3 Flammable Liquids	3a, 3b, 3c ("Flammable Liquids")	3.1.A, 3.1B Aboveground storage ² Underground storage	3,000 litres 3,000 litres
		3.1C	1,000litres
		3.1D Aboveground storage ⁴ Underground storage	5,000 litres 5,000 litres
Reason for revised Flammable Liquids limits The New 3.1C subclass corresponds to current Plan subclass 3b. The revised 1000 litre limit for 3.1C will permit storage of up to 1000 litres of 'home blend' heating oil in normal domestic installations, without resource consent.			
CLASS 3 Liquid desensitised explosives	3a, 3b, 3c ("Flammable Liquids")	3.2A, 3.2B, 3.2C	30 litres
Reason for new Liquid Desensitised Explosives limits Liquid desensitised explosives are a distinct group of Class 3 flammable liquids with an additional explosion hazard. The existing Plan's class 3 limits were originally intended primarily for flammable hydrocarbon liquids in widespread use, e.g. petrol, diesel, solvents. As liquid de-sensitised explosives have a greater intrinsic hazard, a more stringent limit of 30 litres is considered appropriate. The limit is consistent with the proposed limit for the Business 1 zone but more stringent than the proposed limit for the Business 4 zone but less stringent than the living zone limit, considering the relatively low density of residential development in the Rural zone.			

²Not applicable to fuel tanks connected to motors of road vehicles, farm machinery or locomotives.

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CLASS 4 FLAMMABLE SOLIDS Readily combustible solids and solids that may cause fire through friction	4.1, 4.2, 4.3 ("Flammable Solids")	4.1.1A, 4.1.1B	1kg
Self-reactive substances	4.1, 4.2, 4.3 ("Flammable Solids")	4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	1kg
Solid desensitised explosives		4.1.3A, 4.1.3B, 4.1.3C	5kg
Spontaneously combustible substances		4.2A <i>Spontaneously combustible and pyrophoric substances</i>	25kg
		4.2B <i>Spontaneously combustible and self- heating substances</i>	25kg
		4.2C <i>Spontaneously combustible and self- heating substances</i>	25kg
Solids that emit flammable gas when in contact with water	4.3A, 4.3B	1kg	
	4.3C	1kg	
Reasons for new Flammable Solids limits The new subclassification of Class 4 Hazardous Substances reflects the HSNO system. A revision of the existing generic Class 4 limit (1kg) to allow 5kg of solid desensitised explosives is considered appropriate in the Rural zone where such materials may be present. A relaxation of the limit for the least reactive materials in the spontaneously combustible subclass from the generic 1kg limit to 25kg is considered reasonable given the relatively low density of residential development in the Rural zone.			
CLASS 5 OXIDISING SUBSTANCES Liquids or Solids	5.1 ("Oxidising Substances")	5.1.1A	50kg
Gases		5.1.1B, 5.1.1C	1 kg
		5.1.2A	100 kg
Reason for new oxidising substances - gases limits Subclass 5.1.2A replaces existing subclass 2.3. The existing subclass 2.3 limits have been retained.			
Organic Peroxides	5.2 ("Oxidising Substances")	5.2A, 5.2B	1 kg
		5.2C, 5.2D	1 kg
		5.2E, 5.2F, 5.2G	1 kg
CLASS 6 TOXIC SUBSTANCES	7 ("Toxic and Infectious Substances")	6.1A, 6.1B, 6.1C, 6.1D <i>Including the following subgroups:</i>	
		<u>Agrichemicals and Pesticides</u>	1,000 kg/litres
		<u>HSNO 'Controlled Substances'</u>	100 kg

APPENDIX TWO TO SECTION 32 REPORT - SUMMARY OF CHANGES TO HAZARDOUS SUBSTANCES QUANTITY LIMITS IN THE SELWYN DISTRICT PLAN

		<u>Toxic gases (other than gases that are HSNO 'Controlled Substances')</u>	10 kg
		<u>Timber treatment chemicals</u>	20 litres
		<u>Chlorinated hydrocarbons</u>	20 litres
		<u>Any other toxic substances (that are not otherwise Class 3 flammable liquids)</u>	1 kg
Reasons for new toxic substances limits Class 6 covers a very wide range of substances in everyday use that also fall into other subclasses. For clarity of application in the rural/residential context of Selwyn District, it is reasonable to identify toxic substances in generic subgroups (Agrichemicals, HSNO 'controlled substances' ...). The new limits for each subgroup have been selected with due consideration to maintaining consistency with the existing Class 7 limits in the Plan, with the NRRP, and HSNO while also taking account of the relative sensitivity and risk in the Rural zone. The 1000 kg/litres limit for Agrichemicals is consistent with the Rural zone limit for toxic substances in the existing Plan, and with the proposed Class 9.1A limit, recognizing the widespread bulk storage and use of Agrichemicals in the District. New limits that are proposed for the other subgroups of Class 6 have been set with consideration to the HSNO controls and emergency management limits, and the sensitivity of the Rural environment.			
CLASS 7 RADIOACTIVE MATERIALS	8 ("Radioactive Materials")	N/A	10 ¹³ bequerel per kilogram
CLASS 8 CORROSIVE SUBSTANCES	6	8.2A, 8.2B, 8.2C	10 kg
CLASS 9 ECOTOXIC SUBSTANCES	9 ("Miscellaneous substances")	9.1A Substances that are very ecotoxic in the aquatic environment 9.1B Substances that are ecotoxic in the aquatic environment 9.1C Substances that are harmful in the aquatic environment 9.1D Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action	1,000 litres/kg 5,000 litres/kg 5,000 litres/kg 50,000 litres/kg
Reasons for new ecotoxic substances limits Whereas existing Class 9 Miscellaneous Substances specifically includes only timber treatment chemicals and chlorinated solvents, HSNO Class 9 introduces a classification system for a very wide range of substances in everyday use (mainly liquids) that also fall into other subclasses. The limits for each Class 9 subclass have been selected with due consideration to maintaining consistency with the other proposed limits in the Plan, with the NRRP, and HSNO, while also taking account of the relative sensitivity and risk in Rural zone. The 1000 kg subclass 9.1A limit is consistent with the limit in the existing Plan for toxic substances that are agrichemicals, and recognises the widespread bulk storage and use of Agrichemicals in the District.			

Appendix Two:

Statutory Considerations Summary

Section 74 states:

- (1) *A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, its duty under section 32, and any regulations.*
- (2) *In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to—*
 - (a) *Any—*
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and]*
 - (b) *Any –*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *Repealed*
 - (iii) *Relevant entry in the Historic Places Register; and*
 - (iv) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing), to the extent that their content has a bearing on resource management issues of the district; and*
 - (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority, when preparing or changing a district plan, must –*
 - (a) *take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and*
 - (b) *recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.*

Section 31 states:

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - i) *the avoidance or mitigation of natural hazards; and*
 - ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*

- iii) *the maintenance of indigenous biological diversity:*
- (c) *Repealed*
- (d) *The control of the emission of noise and the mitigation of the effects of noise:*
- (e) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) *Any other functions specified in this Act*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources.

"Natural and physical resources" are defined in Section 2 of the Act as including "land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures."

Under Section 5(2) "sustainable management" is interpreted to mean:

... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while:

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 Matters of National Importance identifies the following matters of national importance in achieving the purpose of the Act:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- f) *the protection of historic heritage from inappropriate subdivision, use, and development.*
- g) *the protection of recognised customary activities.*

Section 7 Other Matters identifies the following items that shall be had particular regard to in achieving the purpose of the Act :

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *Kaitiakitanga;*

- (aa) *The ethic of stewardship*
- (b) *The efficient use and development of natural and physical resources*
- (ba) *the efficiency of the end use of energy*
- (c) *The maintenance and enhancement of amenity values*
- (d) *Intrinsic values of ecosystems*
- (e) *Repealed*
- (f) *Maintenance and enhancement of the quality of the environment*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon*
- (i) *the effects of climate change*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Section 8 Treaty of Waitangi states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 32 states:

- (1) *In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—*
 - (a) *the Minister, for a national policy statement or regulations made under section 43; or*
 - (b) *the Minister of Conservation, for the New Zealand coastal policy statement; or*
 - (c) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or*
 - (d) *the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.*
- (2) *A further evaluation must also be made by—*
 - (a) *a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*
 - (b) *the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*
- (3) *An evaluation must examine—*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of this examination, an evaluation must take into account –*
 - (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

Clause 10 of the First Schedule to the RMA, states:

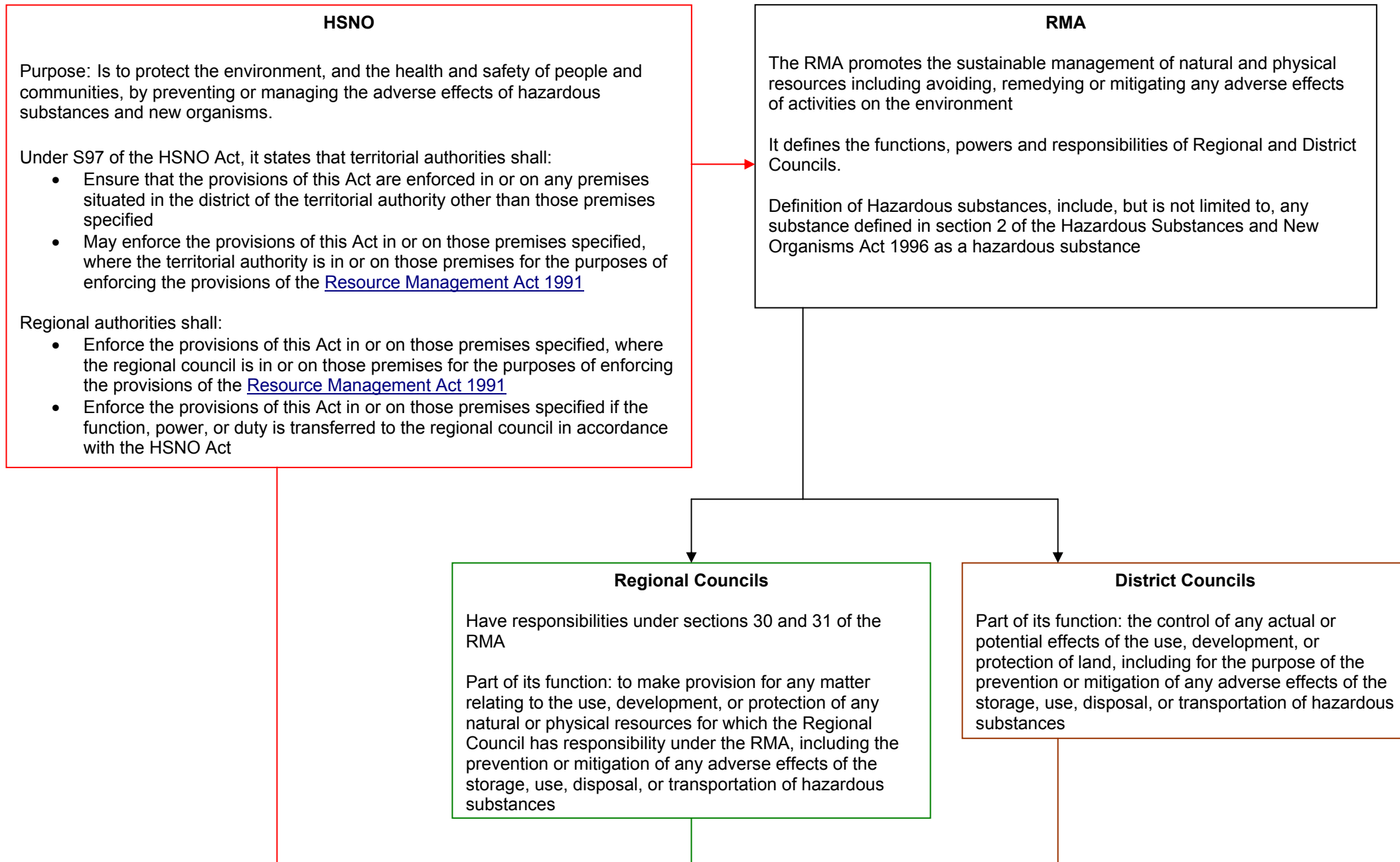
10. Decision of local authority

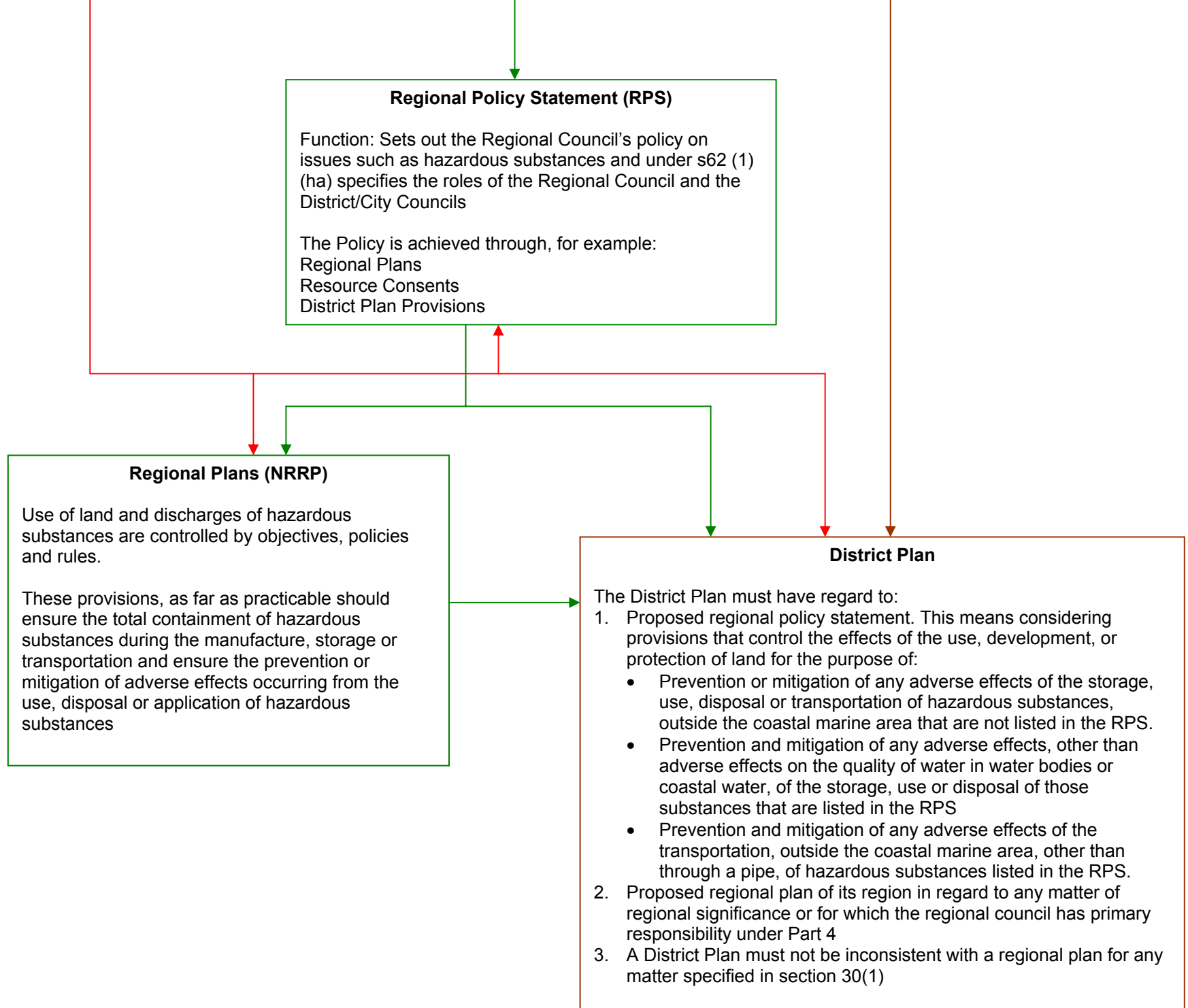
- (1) Subject to clause 9, whether or not a hearing is held on a proposed policy statement or plan, the local authority shall give its decisions, which shall include the reasons for accepting or rejecting any submissions (grouped by subject-matter or individually).*
- (2) The decisions of the local authority may include any consequential alterations arising out of submissions and any other relevant matters it considered relating to matters raised in submissions.*
- (3) If a local authority publicly notifies a proposed policy statement or plan under clause 5, it must, not later than 2 years after giving that notice, make its decisions under subclause (1) and publicly notify that fact.*
- (4) On and from the date of the public notice given under subclause (3), the proposed plan is amended in accordance with the decisions of the local authority given under subclause (1).*

Appendix Three:

Relationship between Regulatory Authorities controlling Hazardous Substances

Diagram of relationship between regulatory authorities controlling hazardous substances





Appendix Four:

Technical Report on Hazardous Substances

THE RESOURCE MANAGEMENT ACT 1991
SELWYN DISTRICT COUNCIL
PROPOSED DISTRICT PLAN
(Rural and Townships Volumes)

VARIATION No. 26 – HAZARDOUS SUBSTANCES
ENVIRONMENTAL HEALTH CONSULTANT'S REPORT

Introduction

My full name is Russell Charles Malthus. I hold the qualification of Bachelor of Applied Science (Environmental Health) from Massey University, New Zealand as well as diplomas issued by the Royal Society of Health in Public Health Inspection, Air Pollution Control and Noise Control. I am a full member of the New Zealand Acoustical Society and a registered member of the New Zealand Institute of Environmental Health.

From 1973 until November 2004, I was employed by the Christchurch City Council as an Environmental Health Officer with responsibilities in environmental health, including the assessment, monitoring, compliance and enforcement of effects of land use involving hazardous substances and reporting on non-notified and notified resource consent applications. I was involved in the preparation of the hazardous substances provisions in the Christchurch City Plan, and prepared and presented the Officer's report for submissions on those provisions. I now operate in my own capacity as an environmental health consultant.

I have been engaged by the Selwyn District Council to provide technical assistance in the preparation of Variation 26, and to advise the Council in its consideration of public submissions.

In this report, the issues raised in the submissions are discussed, and recommendations are made for the acceptance or rejection of the submissions. For the purpose of reference the issues are aligned as closely as possible to the issues in the Section 32 Evaluation document for the Variation. Where a number of submissions concern the same issue, they are addressed collectively without being identified unless there is a particular point in doing so. Unrelated submissions are addressed on an individual basis.

ISSUES RAISED IN SUBMISSIONS

1. SUPPORT FOR THE VARIATION

A number of submissions offer support for the Variation, in full or in part.

Recommendation:

That the Council **accept** all submissions that support the Variation, subject to any amendments that may result from other submissions.

2. CROSS-BOUNDARY ISSUES (With other Territorial Local Authorities and Environment Canterbury)

The issue of cross-boundary relationships of the District Plan's hazardous substances provisions with those of other Territorial Local Authorities' District Plans, and Environment Canterbury's Regional Policy Statement (RPS) and the Natural Resources Regional Plan (NRRP), was identified and discussed in section 3.1.1 of the Section 32 Evaluation of Variation 26.

A number of submissions seek to separate the District Plan's functions from the NRRP functions, and to restrict the scope of the Variation with respect to protection of ground water and surface water bodies and the control of ecotoxic substances on the basis that those are exclusively functions of Environment Canterbury in the submitters' view.

As is explained in the Section 32 Evaluation, the RMA requires that the Council must have regard to the RPS when changing the District Plan, and the Plan must be consistent with the NRRP provisions. Environment Canterbury controls only a limited range of hazardous substances to protect the region's water resources, and Section 17 Policy 3 of the RPS states that District Plans should provide for the control of effects of those substances for purposes other than water protection and also provide generally for the control of effects of other hazardous substances. Water Quality Chapter 4, Policy WQL8 of the NRRP addresses the effects of hazardous substances storage on water quality and specifically requires District Plans to give effect to that Policy by making provision for the control of effects of all classes of hazardous substances for the purpose of water quality protection. It should be noted that Environment Canterbury has supported the Variation in its entirety, including the provisions made to protect water from contamination.

It is therefore inappropriate for the Council to not implement the provisions of the Variation that reflect the requirements of the RMA, the RPS and the NRRP on the basis of submissions that seek such relief.

Recommendation:

That the Council **reject** any submission that seeks to separate the District Plan's functions from the NRRP functions, or to restrict the scope of the Variation with respect to protection of ground water and surface waters or the control of ecotoxic substances on the basis that those are exclusively functions of Environment Canterbury.

Federated Farmers (Submission 96.1) requests the deletion of Note 8 which precedes the Living Zone and Business zone rules in the Township Volume, and of Note 6 which precedes the Rural Zone rules. The submitter has the view that the purpose of the Notes is to *require* consultation with Environment Canterbury over proposed activities. However the Notes are only advisory, to inform persons that Environment Canterbury also has rules which control hazardous substances and they should consult to check if their activity also requires resource consent from that authority. They should be retained for that purpose.

Recommendation:

That the submission be **rejected**.

3. CONSISTENCY ACROSS THE TWO VOLUMES OF THE DISTRICT PLAN, WITH LEGISLATION AND OTHER CONTROLS RELATING TO HAZARDOUS SUBSTANCES AND THEIR EFFECTS; and
4. REFERENCE TO HSNO AND RELATED DOCUMENTS AS A MEASURE OF COMPLIANCE ASSESSMENT

A number of submissions request the Council to remove or modify the hazardous substances controls of the Plan on the basis that the Plan simply duplicates controls available in other legislation, specifically the Hazardous Substances and New Organisms Act 1996 (HSNO) and its suite of regulations and associated codes of practice, standards and industry guidelines. The submitters consider that the HSNO legislation, and compliance with associated Codes of Practice and Standards provides an adequate level of control that makes the District Plan's provisions unnecessary.

A number of these submissions also seek consequential amendments to the threshold quantity limits of the Plan, for example **Federated Farmers (Submission 96.12)**.

As explained in sections 3.2 and 3.12 of the Section 32 Evaluation of the Variation, the Council accepts that HSNO is the principal legislation for the control of hazardous substances, and that the use of the HSNO classification system is an appropriate basis for classifications under District Plans that is fully supported by the Ministry for the Environment. As is also explained in the Evaluation, the Council has very specific powers and responsibilities for the control of hazardous substances in its District, but much more limited powers and responsibilities under HSNO. The review of the District Plan must follow the provisions of the RMA, the RPS and the NRRP, but is not limited in making provisions for the protection of the environment that go beyond the controls of HSNO.

The Ministry for the Environment's document *Acting together: Links between the HSNO Act and the RMA*, explains that the HSNO Act sets national bottom lines for exposure limits for a range of hazardous substances and its controls have a national effect i.e. the same controls apply regardless of where the site is located; while RMA controls depend on the local environment and the actual area in which the site is located. While the HSNO controls are targeted very specifically at controlling hazards on or in the immediate vicinity of hazardous facilities, District Plans need to identify how neighbouring land use activities and the environment can be protected from the potential adverse effects and risk associated with such facilities. District Plans can set stricter limits in the interests of local circumstances or concerns.

The HSNO regulations specify a wide variety of threshold limits for a range of purposes, and the submitters do not indicate which of these would be appropriate as threshold limits for adoption in the Plan. However adoption of such thresholds or other HSNO controls would allow significant quantities of hazardous materials within the District without appropriate site controls in place and without the opportunity for assessment by the Council. For example, under the Hazardous Substances (Emergency Management Regulations) 2001, secondary containment of Class 3.1D flammable liquids (which includes diesel and other fuel oils that have significant potential for adverse environmental effects) is required for emergency management purposes but only when a threshold limit of 10,000 litres is exceeded. Also under those Regulations, secondary containment of Class 8.2C corrosive solid (e.g. caustic soda) is only required when quantities exceed 10,000kg. The adoption of or defaulting to the HSNO controls under the District Plan would not provide any certainty for the determination of environmental risks and effects, and would not allow the Council to fulfil its obligations under the RMA in controlling hazardous substances.

Another form of default control related to HSNO that is used in some District Plans is the Ministry of Environment's Hazardous Facilities Screening Procedure (the 'HFSP')¹ which is an alternative method to setting threshold quantity limits in District Plans than has been adopted for Selwyn District. The HFSP uses the HSNO classification system and applies a formulaic risk factoring approach to determine thresholds for resource consents. The quantities of hazardous substances for a proposed activity are standardised and adjusted for environmental factors, and the resulting figure is compared to an "Effects Ratio" for the zone, which is a single figure or decimal value that has the same function as the threshold limits of the Selwyn District Plan for determining if a resource consent is required or not. The method does not in itself determine if effects will be mitigated, and the proposed activity must still be assessed against any site controls and assessment matters specified in the Plan.

While the method is extensively used in District Plans in the North Island, it has not been taken up by many District Councils in the South Island. Examination of District Plans shows that it the method is not being applied equitably. The following Table compares the "effects ratios" for District Plans for Councils on the East Coast of the North Island for Rural, Residential and Industrial zones, and shows that considerably different thresholds are applied for the same zone environments in the different districts.

District	Effects ratio		
	Rural Zones	Residential Zones	Industrial Zones
Gisborne	0.5	0.02-0.1	0.5
Hastings	0.75	0.02-0.5	0.5
Tauranga	0.2	0.2	1.0

The HFSP was deliberately not adopted in the Variation as it does not provide any clear benefits over the existing and proposed quantity limit approach, particularly given its complexity and the associated need for staff training to implement it. It is considered that the thresholds and site controls used in the Selwyn District Plan are an equally valid approach to the assessment of activity status and effects of hazardous substances facilities.

It is noteworthy that a Code of Practice that has been adopted by the Environmental Risk Management Authority (ERMA) acknowledges that territorial Local Authorities are entitled to apply more stringent controls than HSNO to satisfy their obligations under the RMA. NZS 8409:2004 Management of Agrichemicals, which is promoted by **Federated Farmers (Submission 96.12)** and **Horticulture New Zealand (Submission 102.3)** as an acceptable default compliance method for the avoidance of adverse environmental effects of agrichemicals, recognises in Appendix L that District Plans may apply more stringent controls than the Standard according to community aspirations and local effects. Throughout the Standard, there are numerous instructions on the need to consult with the Territorial Local Authority to determine if a facility complies with the District Plan, or if the hazardous substances threshold limits of the Plan will be exceeded.

Also, and of importance in ensuring adequate administration of any new provisions, the introduction of a completely new regime requiring consideration under HSNO provisions would mean that current Council staff would not be qualified to assess

¹ The HFSP is available at <http://www.mfe.govt.nz/publications/hazardous/land-use-plan-guide-feb02.pdf>

compliance of activities against such controls to determine permitted activity status. This would have major implications for the Council in resourcing and training.

Recommendation:

That the Council **reject** submissions that propose to remove or modify the control of hazardous substances by the District Plan on grounds that the HSNO legislation and associated Codes of Practice and Standards, are sufficient for the avoidance of adverse effects on the environment.

Tegel Foods (Submission 93.1) requests the following relief:

Additional streamlining of the provisions of the District Plan in relation to Hazardous Substances to prevent duplication with requirements under HSNO or set out in the Regional Plan.

The submitter is concerned that there is potential for three consents/permits to be required from different authorities unless the District Plan is “streamlined”.

This submission is supported only to the extent that the Council recognises this potential, but the submitter should understand that the Council has a responsibility under the RMA, the RPS and the NRRP to control environmental effects of hazardous substances in its District, and this inevitably will result in resource consents being necessary for activities that do not comply with the District Plan. The threshold limits of the Plan are intended to control mainly larger hazardous facilities in the District, and should not disadvantage most businesses unduly.

Recommendation:

That the submission be **accepted in part**.

Federated Farmers (Submission 96.10) supports amendments to provide consistency between the District Plan and HSNO requirements ‘provided threshold limits for resource consents are appropriate’. The submission also supports the Council’s proposal not to adopt the “HFSP”.

In the preparation of the Variation, care was taken to align the classification system as closely as possible with HSNO and, where changes in threshold limits arose from that alignment, to select quantities that were also consistent with the remaining threshold limits.

Recommendation:

That the submission be **accepted** insofar as it supports the adoption of appropriate threshold limits for resource consents and the decision not to adopt the HFSP.

Federated Farmers (Submission 96.4) support consistency between the Rural Volume and the Township Volume of the District Plan. This submission has merit, because some of the submissions that specifically target one Volume of the Plan will justify a consequential change to the other Volume, to ensure their provisions are as consistent as possible while taking account of the different circumstances of the Township and Rural parts of the District.

Recommendation:

That the submission be **accepted** through amendment of the Plan as necessary, in order to ensure consistency is maintained.

5. REFERENCES TO 'USE' OF HAZARDOUS SUBSTANCES

Horticulture New Zealand (Submissions 102.5, 102.11 and 102.17) seek the removal of the word 'use' in various places in Section 2, 3.2 Issues, Objectives and Policies of the Rural Volume.

Deletion of the word 'use' in the places identified by the submitter is not supported, as the word is used in this Section only in the context of explaining the development, implementation and application of the Plan and not in a prescriptive sense.

Recommendation:

That these submissions be **rejected**.

6. REFERENCES TO EXTERNAL DOCUMENTS

Federated Farmers (Submission 96.9) supports the deletion of reference to "*the United Nations Recommendations on the Transport of Dangerous Goods, 7th Revised Edition, or its subsequent revisions*" as explained in section 3.10 of the Section 32 Evaluation of this Variation, but "only if the classes of hazardous substances table is maintained to be consistent with HSNO Hazardous Substances Regulations".

This submission is supported. The HSNO classification system has been used in the Plan for those classes and subclasses of hazardous substances which the Council has an interest in controlling.

Recommendation:

That the submission be **accepted**.

7. OBJECTIVES AND POLICIES RELATING TO HAZARDOUS SUBSTANCES

Horticulture New Zealand seeks a number of amendments to Section Two, Issues, Objectives and Policies of the Rural Volume, which require individual consideration as follows:

Submission 102.9 points out that in Section Two, section 3.2 -I (i) ("*What is a hazardous substance* ") the definition reference to section 6 of HSNO is incorrect and should be section 2. This is accepted.

Recommendation:

That the submission be **accepted** and that this text should be corrected to refer to section 2.

Submission 102.8 requests the deletion of Issue 3, which relates to the protection of amenity values of townships from the manufacture, storage or disposal of hazardous substances.

The reason given is that the amenity values of townships is not a matter for inclusion in the Rural Volume of the Plan.

This view and the relief sought are not supported, because amenity values of townships and rural areas are closely related at the interface between the Living and

Rural zones, and townships require protection from the potential effects of hazardous facilities in the Rural zone. It is not unusual for people's perception of the handling, storage and movement of hazardous substances in their communities to be negative, especially when they are present in the large quantities that are often associated with farming and industrial activities, and this in turn impacts on their perception of amenity values. It is therefore important that the District Plan makes provision for the consideration of the effect of hazardous substances on amenity values in all parts of the District.

Recommendation:

That the submission be **rejected** with respect to the deletion of Issue 3.

Submission 102.10 seeks minor amendments to Section Two, section 3.2 -1 (ii) ("*What are the issues*") as follows:

- a. Delete the words 'depleted or' from the last sentence in paragraph 1 in the phrase 'depleted or surplus agrichemicals or garden sprays'

As this term is not in common use and its meaning is unclear in the context, it is agreed that it should be deleted. Its removal does not change the intent or effect of the Plan

Recommendation:

That the requested deletion of the words 'depleted or' be **accepted**.

- b. Delete the words 'or controlled' from the first sentence in paragraph 2 of section 3.2 -1 (ii) "*What are the issues*". The sentence currently reads

While the presence of hazardous substances in the community is generally accepted, there is potential for significant adverse effects to the natural, rural and urban environments if hazardous substances and their locations, storage, transport, use and disposal are not managed or controlled appropriately.

The submitter's reason for seeking the change is that in their view, the issue is that substances are managed appropriately (and not controlled).

The required amendment is not agreed with, because the use of 'controlled' is entirely consistent with section 31 of the Resource Management Act which states that a function of the Council is "the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of ...the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances". It is appropriate for this term to be used.

Recommendation:

That the requested deletion of the words 'or controlled' be **rejected**.

- c. Amend the list of bullet points in the second paragraph "to only refer to matters of relevance to RMA jurisdiction". The submitter gives 'contamination of the food chain' and 'effects on the health of farm stock' as examples in the list that it considers are not relevant to the RMA.

The relief sought is opposed, as all the matters in the bullet points are considered to fall broadly under the Council's functions under section 31 of the RMA, which includes:

- a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district ('natural and physical resources' includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures).
- (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.

Recommendation:

That the requested amendment of the listed points be **rejected**.

- d. Reinsert the deleted paragraph which states:

Small quantities of hazardous substances are used everyday in domestic cleaning and gardening. In the rural area, larger quantities are used as part of many activities, for example, agriculture, horticulture, forestry and rural industries. Herbicides, pesticides, animal drenches, timber treatments and petroleum fuels are examples of products that contain hazardous substances. People in rural areas need to store hazardous substances on-site, to carry out their activities efficiently.

In the submitters view, this paragraph "provides a brief and clear summary of uses of hazardous substances and that they are necessary for people carrying out activities effectively".

The reinstatement of this paragraph is considered unnecessary, as the meaning of the paragraph is included in the proposed variation text, which is briefer, is more generic, and is consistent to both Volumes of the Plan:

Hazardous substances of various kinds are in widespread use in the Selwyn District and are an essential part of everyday life. Common examples of hazardous substances are agrichemicals and animal remedies in the rural sector of the community, timber preservatives and strong acids and alkalis in the industrial and commercial sector, and garden sprays in the domestic sector.

Recommendation:

That the requested reinstatement of the paragraph be **rejected**.

Submission 102.11 requests the following amendments to Section Two, section 3.2 -I (iii) "Regulatory Controls":

Include a list of specific hazardous substances and circumstances which Selwyn District Council manages.

And, an associated amendment to Rule VII under **Submission 102.25**:

Specify the substances which are not managed by Environment Canterbury and limit Rule VII - Storage 1.4 to those substances.

The reason given is that the submitter considers that the section on regulatory matters outlines the matters which Environment Canterbury controls, but to assist Plan users and provide a focus for the Variation it should list the specific matters over which the Council has control.

It is considered unnecessary to include such a list, as the statement in paragraph 5 of this section is quite clear on the scope of the Council's functions and the matters that are controlled under the District Plan. The paragraph reads:

District and city councils in the Canterbury region are responsible for developing objectives, policies and rules relating to the control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of any hazardous substances except where they are controlled by Environment Canterbury. In setting those objectives, policies and rules, the Council must ensure those provisions are consistent with the RMA and HSNO, and also be mindful of other legislation associated with the control of hazardous substances.

Furthermore, the classes of hazardous substances that the Council manages are specified in Appendix 15 of the Rural Section of the Plan and Appendix 9 of the Townships Section of the Plan. The circumstances under which they are controlled are spelt out in the Hazardous Substances Rules for each volume of the Plan. Listing these matters again would be unnecessary duplication.

Recommendation:

That the requested inclusion of the list under these submissions be **rejected**.

Submission 102.11 also seeks the amendment of the last sentence of paragraph 5 of Section Two, section 3.2 -I (iii) "Regulatory Controls", to read:

"In setting objectives, policies and rules for hazardous substances the Council must ensure the provisions are consistent with the RMA and Environment Canterbury Resource Management Plans. In addition consideration of the linkages between other legislation and regulations, such as HSNO, will be included as appropriate".

The reason given for the change is that the submitter considers that the extent to which the Variation is driven by HSNO is inappropriate and needs to be amended to reflect the limitations of controls under HSNO that are available to the Council.

This rewording is considered unnecessary, as the existing wording is sufficiently broad to include consideration of and consistency with all relevant legislation. In reviewing the District Plan, the Council cannot ignore that HSNO is the principal legislation for hazardous substances. Notwithstanding this, the Variation does not promote the relationship between the District Plan and HSNO other than to use its classification system, and does not attempt to increase or extend the Council's functions under that Act.

Recommendation:

That the requested amendment of the paragraph be **rejected**.

Submission 102.12 seeks an amendment to Section Two, section 3.2 -II "Strategy" as follows:

- a. Delete the words 'large quantities of' from the 5th bullet point.

The bullet point reads

- *Ensuring that activities in the district that use or produce large quantities of hazardous substances have appropriate disposal plans.*

The submitter's reason for the change is that all hazardous substances should have appropriate disposal plans, and not just 'large quantities'. This reason is valid, and the amendment is supported. It should be noted that a range of disposal options is available for the planned disposal of hazardous substances of all classes and quantities, including the Council's Domestic Hazardous Waste Drop-off facility, independent hazardous waste contractors, and reuse and recycling of hazardous substances.

Recommendation:

That the requested deletion of the words 'large quantities of' be **accepted**.

- b. Delete the 4th bullet point.

The bullet point reads

- *Controls are imposed over the manufacture, storage and disposal of hazardous substances to protect the amenity values of areas and people's sense of well-being.*

The submitter's reason for the change is that "the extent to which the storage of hazardous substances is an 'amenity value' is not clearly evident. The key concern is about the impact of leakages on the environment as opposed to a 'sense of place'".

The submitter also raises similar concerns under **Submission 102.15** with respect to 'perceived effects', and seeks deletion of the last sentence of the Explanation and Reasons for the Objectives for hazardous substances the Rural Volume.

The deletion of bullet point 4 is opposed, as the Council has a duty under section 7 of the RMA to have regard to the maintenance and enhancement of amenity values in carrying out its functions and powers under the Act. *Amenity values* is defined in the RMA as "those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes". It is not unusual for people's perception of the handling, storage and movement of hazardous substances in their communities to be negative, especially when they are present in the large quantities that are often associated with farming and industrial activities, and this in turn impacts on their perception of amenity values. It is therefore important that the District Plan makes provision for the consideration of the effect of hazardous substances on amenity values in all parts of the District.

It should also be noted that the risk of leakage is only one aspect of hazardous substances storage that may cause adverse effects. For example, the adverse effects of an uncontrolled fire or a road transport incident involving hazardous substances can be widespread and catastrophic, and it is appropriate that the risks of such events are weighed against local circumstances through the resource consent process.

Recommendation:

That the deletion of the 4th bullet point be **rejected**; and the relief sought under **102.15** also be **rejected**.

Submission 102.14 seeks an amendment to Section Two, section 3.2 -III (i) "*Objectives*" as follows:

- a. Delete Objective 2, which is intended to protect the health of livestock and other animals and flora and fauna. The submitter's reasoning is that any potential effects on the health of livestock are outside the scope of the RMA, and that any such effects will be indirectly caused through soil and water contamination, which are addressed by Objective 3.

As has been explained above with respect to Submission 102.10 (c), protection of the health of livestock and other animals and flora and fauna falls under the Council's functions under section 31 of the RMA. Furthermore, adverse effects on animals can potentially arise from direct exposure to animals through failure of containment systems, fire, and spillages during the delivery of hazardous substances at hazardous facilities. Such exposure could also happen as a result of the inappropriate disposal of hazardous substances.

While there is some similarity in Objectives 2 and 3, Objective 3 addresses the life-sustaining capacity and amenity values of waterbodies, land and soil resources and not the protection of the health of livestock and other animals and flora and fauna.

Deletion of Objective 2 is therefore not supported.

Recommendation:

That the deletion of Objective 2 be **rejected**

- b. Retain Deleted Objective 1 to read:

"Hazardous substances are recognised as an integral part of rural activities and are managed to ensure that they do not adversely affect the rural environment."

The original objective read:

Hazardous substances are recognised as an integral part of rural activities, and they are used in ways that do not adversely affect people, wildlife, natural resources, or the amenity values of the rural area-

The wording of the Objective as is proposed by the submitter is not supported, as it unjustifiably states that rural hazardous substances activities are always managed appropriately. The potential for mismanagement of hazardous substances and the potential and actual effects of such mismanagement, which Council is obliged to control under its RMA functions, are well recognised and the Council should not agree to adopt an Objective which states otherwise.

Recommendation:

That the retention of the original Objective with the revision proposed by the submitter be **rejected**

Submission 102.20 seeks inclusion of an additional Method for the implementation of Policies 4 and 5, which relate to the disposal of hazardous substances and hazardous waste.

Three Methods are currently listed:

- District Plan Rule - Hazardous Substances
- Trade Waste Bylaws
- Advocacy - Continue to advocate for a co-ordinated approach to hazardous waste disposal in Canterbury as a signatory to the Canterbury Regional Hazardous Waste Management Strategy

The submission requests that the following Method be included under 'Advocacy':

- Support for implementation of the Agrecovery programme for disposal of agrichemical containers.

The submission explains that the New Zealand Agrichemical Education Trust has established the 'Agrecovery' programme for the safe disposal of agrichemical containers.

The Agrecovery website <http://www.agrecovery.co.nz/> explains further that:

Agrecovery is a product stewardship programme for the sustainable recovery of triple rinsed agriculture and forestry sector plastic containers. Its purpose is to enable farmers and growers to dispose of their plastic chemical containers in a responsible way. This nationwide collection and processing scheme will be financed by a levy collected by participating brandowners and paid to the foundation to deliver the programme. The levy will be imposed on every litre/kilogram of eligible product they place on the New Zealand market.

Agrecovery will recover any used containers that are Agrecovery branded. Membership of Agrecovery is open to all brand owners/producers in the agriculture and forestry sector. The Agrecovery Programme will take triple-rinsed HDPE plastic agrichemical containers (60 litres/kilograms or smaller) from farmers/growers in New Zealand. Agrecovery collection sites will be located at a set number of local authority transfer stations.⁵² to begin with.

All collected HDPE plastic will be shredded and reprocessed and supplied to an approved processor to use as a raw material.

The Council's Solid Waste Manager Mr David Hock has confirmed that he is aware of the programme and has made space available for their large waste container at the Council's Resource Recovery site in Burnham School Road. The container is manned by Agrecovery and accepts empty agrichemical containers on a limited number of days of the month.

Mr Hock said he would prefer that the District Plan should provide generally for the advocacy of waste disposal schemes as this would give the Council greater flexibility in considering and allowing other disposal programmes that may have similar or other benefits. It would also avoid the need to amend the District Plan at a future date, if the Agrecovery programme was renamed or phased out.

In any case, the Agrecovery scheme is already provided for under the Advocacy Method for Policies 4 and 5 as it has been considered by Environment Canterbury under the Canterbury Regional Hazardous Waste Management Strategy, to which the Council is a signatory. The inclusion of the proposed Method is therefore unnecessary.

Recommendation:

That the inclusion of the proposed Method relating to the Agrecovery programme be **rejected**

8. DISPOSAL OF HAZARDOUS SUBSTANCES

Federated Farmers (Submission 96.6) requests that an exemption should be retained for the disposal of hazardous substances containers when they are disposed of in accordance with the manufacturer's instructions.

As is explained in section 3.5 of the Section 32 Evaluation for this Variation, that exemption was deleted from the Plan following the decision on the hearing of submissions on the Proposed Plan, when the Council's Hearings Panel held the view that the manufacturer's instructions for disposal of the waste are not necessarily adequate for disposing of such containers or a suitable substitute for the rules in the District Plan.

In this submission, Federated Farmers have asked for an example where the manufacturer's instructions for disposal are inadequate. Such an example is identified by Environment Canterbury in their further submission which opposes this submission. Dow AgroSciences NZ, the manufacturers of Applaud 25W, an insect growth inhibitor, do not instruct the user to triple rinse the container before disposal (which is a requirement of NZS 8409:2004 Management of Agrichemicals, the Standard that is promoted by the submitter as an acceptable default compliance method for the avoidance of adverse environmental effects of agrichemicals). This has been confirmed by checking the company's website at <http://www.dowagro.com/nz/prod/insect.htm> which also shows that the disposal instructions for this product are ambiguous, in that they imply that empty containers can be disposed of by burying in soil and not in a landfill. The same instructions are given for at least one other of the company's products, Fenamite miticide.

It is clear that manufacturer's instructions cannot be relied upon in all cases to ensure that appropriate disposal methods are followed.

Recommendation:

That the exemption sought be **rejected**

Horticulture New Zealand (Submission 102.27) raises concerns about the Note 4 at the commencement of Rule VII-Hazardous Substances in the Rural Volume.

Rule VII, 6.1 makes the use of any land or facilities to dispose of any hazardous substance a non-complying activity. The Note for Rule VII, 6.1 states that any disposal of solid waste must comply with Rule VIII Waste Generation, Storage and Disposal.

Note 4 states that Rule VII does not apply to the disposal of any hazardous substance by use of it in accordance with the manufacturer's instructions.

The submitter considers that Note 4 has no regulatory status, and has requested that the following amendments be made to Rule VII to provide for Disposal after Transport of hazardous substances:

Disposal of any hazardous substances subject to the following conditions:

- The hazardous substance is disposed of in accordance with manufacturer's instructions.
- Disposal of agrichemicals complies with Section 6 of NZS8409:2004 Management of Agrichemicals.

- Disposal of hazardous substances meets the requirements of the Hazardous Substances (Disposal) Regulations.

The first and second bullet points are not supported, because manufacturer's instructions and NZS 8409:2004 Management of Agrichemicals commonly state that

- the disposal of hazardous substances must comply with the requirements of territorial local authorities, prompting the disposer to return to the Council to determine the appropriate disposal method, or
- simply to 'dispose to landfill' which is no longer an option in Canterbury.

As with the disposal of empty containers, manufacturers' instructions cannot be relied upon. Examples of unsatisfactory or inappropriate disposal methods are those of DowAgroSciences, the company mentioned previously, which state:

Disposal

Contaminated material must be disposed of in accordance with National, Regional and District requirements.

Small spill: *Bury contaminated material at an approved landfill. Puncture top, bottom and sides of containers and bury below 500mm in soil.*

Large spill: *Wait for advice from Dow AgroSciences (NZ) Ltd.*

The third bullet point is also not supported, because the Hazardous Substances (Disposal) Regulations specify only that hazardous substances must be disposed of either by treatment which changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance, or by exporting the substance, or in some cases by discharging the substance into the environment so that it degrades. The environmental effects of such methods are not taken into consideration by the regulations, other than the avoidance of risk of explosion and ignition. Any treatment or handling facility for disposal of hazardous substances could give rise to a wide range of effects or potential hazards, including discharges of fumes and odours and risk of spillage or fire, and it is appropriate that such activities should have non-complying status under Rule VII, .6.1.

Recommendation:

That the submission be **rejected**

9. DEFINITIONS AND TERMINOLOGY

Several submissions request various changes to definitions and terminology used in the Variation, and each of those is considered here on an individual basis.

Federated Farmers (Submission 96.7) requests that the definition of hazardous substances not be broadened to be consistent with the definition of the Resource Management Act, because it introduces increased uncertainty around the use of hazardous substances which might possibly be deemed to be hazardous.

The RMA definition of Hazardous Substance is

'Hazardous substance' includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

The HSNO definition is

Hazardous substance means, unless expressly provided otherwise by regulations, any substance

- (a) With one or more of the following intrinsic properties
 - i) Explosiveness
 - ii) Flammability
 - iii) A capacity to oxidise
 - iv) Corrosiveness
 - v) Toxicity (including chronic toxicity)
 - vi) Ecotoxicity, with or without bioaccumulation; or
- (b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Adopting the wider definition enables the Council to manage the effects of activities any hazardous materials that are not classed as hazardous substances under HSNO, or specifically identified in the Plan, in circumstances that the Council considers necessary for the protection of the environment. For example, it may be desirable for the Council to consider proposals through the resource consent process for food or crop irradiation processes or the bulk storage of milk, farm wastes or industrial wastes where their hazard threshold does not trigger the HSNO definition but there is potential for adverse environmental effects or amenity issues beyond site boundaries.

While the Regional Policy Statement and the Natural Resources Regional Plan both use the HSNO definition, the District Council's use of the broader RMA definition is appropriate because of the wider range of environmental issues that the Council has responsibility for. It should be noted that the use of the RMA definition is not inconsistent with those documents, as District Plans may be more stringent than the RPS or NRRP.

Recommendation:

That the RMA definition of hazardous substances be retained in the Plan, and that the submission be **rejected**.

Horticulture New Zealand (Submissions 102.35, 102.36, 102.37) seeks a number of changes to definitions of agrichemicals and pest control chemicals.

102.35 seeks deletion of the term 'pesticides' where it is included as a subcategory of Toxic substances in Tables 1 and 2 of Appendix 15 of the Rural Volume as the term 'Agrichemicals' also includes 'pesticides'.

In 102.36, the submitter points out that there is no definition of Agrichemical in the Plan, and requests that the following definition from NZS 8409:2004 Management of Agrichemicals should be included in the Plan definitions:

Agrichemical: Any substance, whether inorganic or organic, human-made or naturally occurring, modified or in its original state, that is used in agriculture, horticulture or related activity, to eradicate modify or control flora and fauna. For the purpose of NZS8409:2004, agrichemicals do not include fertilisers, vertebrate pest control products and oral nutrition compounds.

While the inclusion of a definition is supported, this proposed definition should not be used as it is specifically written for NZS8409:2004, and is not sufficient.

The definition from Chapter 4, Water Quality of the NRRP covers a very wide range of materials, is more appropriate to a District Plan, and its adoption in the definitions of the Plan is recommended to ensure consistency with the NRRP:

***Agrichemical** means any substance or mixtures of substances, whether inorganic or organic, biological, man-made or naturally occurring, modified or in its original state, that is prepared or manufactured and used to eradicate or control flora and fauna. This includes any pesticide, herbicide, fungicide, insecticide, piscicide, vertebrate pest control chemical, or other biocide, or any genetically modified organism or animal remedy registered under the Hazardous Substances and New Organisms Act 1996 and the Agricultural Compounds and Veterinary Medicines Act 1997. For the avoidance of doubt, it does not include fertilisers or lime and other soil conditioners, or animal effluent.*

It should be noted that this definition includes ‘pesticide’ and ‘vertebrate pest control chemical’. The term ‘pesticide’ is in common use, and it appears a number of times in the RPS and Chapter 4 of the NRRP so its retention in the District Plan should not cause any confusion.

The term ‘vertebrate pest control chemical’ is a generic term for fumigants and baits used to control rodents, possums, mustelids (ferrets, stoats and weasels), birds and other vertebrate pests. The equivalent term used in the Variation is ‘HSNO Controlled Substances’ which was derived from the fact that such chemicals may only be in the possession of the holder of a Controlled Substances Licence under HSNO. However Submission 102.37 points out that the term ‘Controlled Substance’ is not defined in the Plan to describe particular substances, and requests the use of the alternative term ‘Fumigant gases and vertebrate poisons’ and the following examples; Fumigant gases (e.g. chloropicrin, methyl bromide) and vertebrate poisons (e.g. cyanide baits, 1080). This submission is supported as it makes clear what types of chemicals are being controlled by the Plan.

Recommendation:

1. That submission 102.35 be **rejected**
2. That submission 102.36 be **accepted in part**, to allow inclusion of the definition of Agrichemicals from Chapter 4 of the NRRP.
3. That submission 102.37 be **accepted** so that in Tables 1 and 2 of Appendix 15 of the Rural Volume and Appendix 9 of the Townships Volume the term ‘HSNO Controlled Substances’ is changed to ‘Fumigant gases and vertebrate poisons e.g. Fumigant gases (e.g. chloropicrin, methyl bromide) and vertebrate poisons (e.g. cyanide baits, 1080).’

10. CLASSIFICATION OF HAZARDOUS SUBSTANCES

Horticulture New Zealand (Submission 102.4) states that “The presumptions in the Section 32 report regarding HSNO and the place in the District Plan is based on a false premise – that reference must be made to the HSNO classification system and the thresholds of hazard specified in the Hazardous Substances Regulations.” The submission states further that section 12 of the Section 32 report is incorrect in stating that the HSNO system is closely aligned to the UN Dangerous Goods Classes, as there are distinct differences.

These statements are strongly disputed.

Firstly, HSNO is the principal legislation for the control of hazardous substances in New Zealand, and the Ministry for the Environment supports the integration of HSNO and the RMA through District Plans. There is no alternative classification system to HSNO that is recognised throughout the country. The classification system and the thresholds of hazard are fundamental to the HSNO hierarchy of controls and they run through every regulation, code of practice, and guideline. The HSNO classification system and thresholds of hazard are entirely appropriate in the context of national, regional and local management of hazardous substances.

Secondly, the HSNO classification system is closely aligned to the UNDG classes. Section 3.2.3 of the HFSP states:

The HSNO classification system is closely linked to the United Nations Recommendations for the Transport of Dangerous Goods (UNRTDG, 1997; 11th edition). It also introduces criteria not part of the UNRTDG. These cover different aspects of toxicity (particularly chronic toxicity) and ecotoxicity. The criteria are based on work of the Organisation of Economic Co-operation and Development (OECD) and the United States Environmental Protection Agency (USEPA).

In terms of the labelling of packaging and containers imported into and/or transported in New Zealand, hazardous substances will be mostly identified in accordance with UNRTDG compatible classifications. However, it is important to note that UNRTDG labelling often only provides information on the identification of the primary hazard and sometimes the secondary hazard of a substance. In contrast, HSNO requires a hazardous substance to be assessed and managed according to all the hazardous characteristics it identifies (refer Section 3.2.2). Therefore, a substance with multiple hazardous properties or with properties outside the UNRTDG criteria will need to comply with the controls placed on it under HSNO. This may include the identification (including labelling) of all the hazards of the substance within New Zealand.

This information clearly identifies the close relationship between the HSNO and UNRTGD classification systems.

Recommendation:

That this part of the submission be **rejected**

Horticulture New Zealand (Submission 102.38) requests that Tables 1 and 2 of Appendix 15 should state what substances “other toxic substances” include.

For the purposes of the Hazardous Substances sections of the Plan, toxic substances are defined by the thresholds of toxicity for classes 6.1A, 6.1B, 6.1C and 6.1D that are detailed in Table 1 of Appendix 15. These are the classes of toxic substances that the HFSP rates as requiring evaluation for District Plan purposes.

To assist with the interpretation and administration of the Plan, in Table 2 of Appendix 15 toxic substances that are within those subclasses have been subgrouped generically and threshold quantity limits have been applied to each group. The groups are:

- Agrichemicals and Pesticides,
- HSNO “Controlled Substances” (which will become “Fumigant gases and vertebrate poisons if Submission 102.37 is accepted),
- Toxic gases (other than Fumigant gases),

- Timber Treatment Chemicals, Chlorinated Hydrocarbons, and
- Any other toxic substances.

The subgroup “Any other toxic substances” includes any toxic substance of classes 6.1A, 6.1B, 6.1C and 6.1D that is not in any of the other subgroups. For clarity, this could be included as an advisory note, which would satisfy this submission.

Recommendation:

That the submission be **accepted in part** by including a reference note¹ to the subgroup “Any other toxic substances” which states:

¹ “Any other toxic substances” means any toxic substance of classes 6.1A, 6.1B, 6.1C and 6.1D that is not in any of the other sub groups of toxic substances.

11. CHANGES TO THRESHOLD QUANTITY LIMITS

IZone Project Team (Submissions 95.1 and 95.2) request the following changes to the Townships Volume of the Plan:

Amend Appendix 9

Add a further quantity limits column titled “Rolleston Business 2 Zone as depicted on the Outline Development Plan at Appendix 22 of the Townships Volume”. Add the maximum limits in Ministry of Environment’s Hazardous Facilities Screening Procedure for each hazardous substance in this additional column.

Amend explanation to Policy 3 by adding:

“The threshold quantities in Appendix 9 for hazardous substances are highest for the Rolleston Business 2 Zone as depicted on the Outline Development Plan at Appendix 22 of the Township Volume, as this site is separated from the township”.

These amendments are not supported. Firstly, the Ministry of Environment’s Hazardous Facilities Screening Procedure (the HFSP) does not set quantity limits. It is a method of determining the status of an activity in the Plan, by a relatively complicated mathematical process which balances the hazardous aspects of the proposed activity against the environmental sensitivity of the locality, with reference to predetermined and calibrated ‘effects ratios’ which are the functional equivalent of the threshold quantity limits in the Plan. As the “effects ratios” vary significantly from one District Council to another, they appear to be no more or less arbitrary than the threshold quantity limit approach. The Council decided not to use the HFSP because of its complexity and no obvious benefits.

Secondly, the requested relaxation of the threshold limits for the Rolleston Business 2 Zone is not supported. The Business 2 zone limits proposed by the Variation are significantly more relaxed than for other zones, and provide reasonable flexibility for business activities throughout the District whether or not they are close to Living Zones or other more sensitive zones. Setting a different set of thresholds for the Rolleston zone could also be seen as a precedent for other Business zones, and cause inconsistency in the application of the Plan.

Furthermore, such a change may be considered to be outside the scope of the matters of the Variation. If the change had been included, it could have attracted submissions from parties that did not otherwise submit on the Variation.

Recommendation:

That these submissions be **rejected**.

LPG Association of NZ Inc (Submission 100.1) and Rockgas Limited (Submission 101.1) request that the quantity limit for Class 2.1a be increased from 600kg to 4000kg.

The reason for the requested amendment is to allow for larger LPG tank installations, that will in any case be subject to Location Test Certification under HSNO, in the Rural zone for agricultural practices such as poultry farming and grain drying. A mitigating factor identified by the submissions is that the relative risks of a transport accident are smaller in servicing larger tanks than smaller ones as it requires fewer tank deliveries.

These submissions are supported, and the reasons stated by the applicant that there is less risk from transport and transfer to bulk single-tank LPG facilities are accepted. The relaxed limit still allows the Council to assess larger installations, and in any case storage exceeding 100kg is controlled by HSNO location test certification. This covers the entire installation, including fuel lines and associated infrastructure. Allowing a higher limit is also likely to reduce the number of installations with supply systems comprising multiple smaller cylinders, which have potentially a higher risk of failure than a single tank with dedicated controls.

However, such a change may be considered to be outside the scope of the matters of the Variation. If the change had been included, it could have attracted submissions from parties that did not otherwise submit on the Variation.

Recommendation:

That these submissions be **rejected** unless the Panel considers the submission is within the scope of the Variation in which case it should be **accepted**.

12. MISCELLANEOUS CHANGES TO THE HAZARDOUS SUBSTANCES PROVISIONS

Horticulture New Zealand seeks a number of changes to be made to various parts of Rule VII of the Rural Volume. Those submissions are considered here on an individual basis.

(i) Changes to Policies

Submissions 102.16, 102.17 and 102.18 seek the following amendment of Policy 1(a) and related changes to the Explanation and Reasons and Methods for the Policy:

“Provide for hazardous substances in the rural area to enable rural land use activities to be undertaken without duplication in compliance requirements and based on use of best practices, relevant Codes of Practices, NZ Standards, requirements of other legislation (such as HSNO), and quantity thresholds where no other relevant options exist.”

The Council’s decision not to rely on other regulatory controls and documents, including NZS8409:2004 which the submitter proposes as a default control for agrichemicals, is explained fully in sections 3 and 4 of this report. As is explained, it is not appropriate to adopt the quantity limits, thresholds and controls of other instruments that are not intended to address environmental effects and the protection of the District’s amenity issues. The adoption of or defaulting to such controls under the District Plan would not provide any certainty for the determination of environmental risks and effects, and would not allow the Council to fulfil its obligations under the RMA in controlling hazardous substances. However, this does not preclude Council officers taking into consideration any compliance with such controls when processing resource consent applications.

Recommendation:

That the relief sought by these submissions be **rejected**.

Submission 102.16 seeks to amend Policy 1(b) by removing contamination of water as a matter to be addressed by the Policy because that is addressed by the NRRP. A related submission **Submission 102.19** seeks the deletion of point (i) from Policy 2, which limits the disposal of hazardous substances near water bodies and wetlands, as this matter is addressed by Environment Canterbury in the NRRP. However as explained in section 2 of this report, the District Plan must provide for protection of water from contamination by hazardous substances of all classes to be consistent with the NRRP.

Recommendation:

That the relief sought by these submissions be **rejected**.

Submission 102.17, 5th bullet point justifiably points out that the reference to Appendix 9 in the explanation and reasons for Policy 1 is incorrect and should be amended to read Appendix 15.

Recommendation:

That this part of the submission be **accepted**, and the reference be changed to Appendix 15.

(ii) Changes to Rural Rule VII

Submission 102.22 seeks amendment of Rule VII, 1 Storage to exclude the storage of agrichemicals from all quantity limits and site controls if such storage complies with specified sections of NZS8409:2004.

The submission also requests such an exemption for Class 1 to 5 substances that have a current HSNO Location Test Certificate. Two associated submissions, **Submissions 102.39 and 102.41** request deletion of the quantity limits for Classes 1 to 5 in Appendix 15 where activities have such certification. As has been explained previously in this report, it is not appropriate to adopt the quantity limits, thresholds and controls of other instruments that are not intended to address environmental effects and the protection of the District's amenity issues. However compliance with such controls would be taken into account when resource consent applications are being considered by Council officers.

Recommendation:

That the relief sought by these submissions be **rejected**.

Submission 102.23. - Amend Rule VII - Storage 1.1 as follows:

The quantity of each class or subclass of hazardous substances listed in Appendix 15 Table 2 complies with the maximum storage quantities set out in Appendix 15 Table 2.

This change is supported, as rewording is necessary to clearly state that only the subclasses identified in Appendix 15 are controlled by the Plan rules.

However it is suggested that the words ‘class or’ should be deleted, as the threshold quantity limits apply to subclasses and not classes of substance. The amendment then reads:

The quantity of each subclass of hazardous substances listed in Appendix 15 Table 2 complies with the maximum storage quantities set out in Appendix 15 Table 2.

Recommendation:

That the submission be **accepted in part** subject to the suggested change in wording.

Submission 102.24. - Amend Rule VII – Note 3. The existing wording is

Where more than one HSNO class or category applies to a hazardous substance, the class with the most restrictive thresholds will apply.

The submitters’ proposed wording is

Where a substance has more than one HSNO class or subclass applied the quantity limit for storage as a permitted activity will be based on the most restrictive threshold in Appendix 15, Table 2 for that substance. For instance a substance with 6.1A and 9.1B classifications would be based on the 6.1A quantities as 9.1B permits 5000 litres and 6.1A permits 1000 litres. 6.1A is the more restrictive threshold in Table 2 so that is the threshold to be used.

This change is supported, as the rewording provides a very clear explanation of what is intended by Note 3.

However it is suggested that the words ‘class or’ should be deleted, as the threshold quantity limits apply to subclasses and not classes of substance. The amendment then reads:

Where a substance has more than one HSNO subclass applied the quantity limit for storage as a permitted activity will be based on the most restrictive threshold in Appendix 15, Table 2 for that substance. For instance a substance with 6.1A and 9.1B classifications would be based on the 6.1A quantities as 9.1B permits 5000 litres and 6.1A permits 1000 litres. 6.1A is the more restrictive threshold in Table 2 so that is the threshold to be used.

Recommendation:

That the submission be **accepted** subject to the suggested change in wording of Rule VII – Note 3.

Submission 102.25 requests that in Rule VII 1.4 of the Rural Chapter, which controls setbacks from waterways, the term “waterway” be changed to “waterbody” for consistency with the NRRP. This change is supported.

The submission also requests that the setback should apply only to hazardous substances that are not managed by Environment Canterbury. This change is supported in the interests of avoiding duplication, and would apply to:

- (i) substances other than those that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement; and

- (ii) substances that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement and are transported by means other than through a pipe.

The substances listed in Policy 1(a)(ii) of the RPS are:

- (a) Pesticides.
- (b) Chlorinated solvents
- (c) Timber preservatives
- (d) Petroleum products
- (f) Substances containing the following chemicals: arsenic, cadmium, chromium, cyanide, lead, mercury, nickel or selenium.

Recommendation:

That the submission be **accepted**, and the requested changes made to Rule VII 1.4.

Submission 102.26 requests that the status for activities under Rule VII 2.1 of the Rural Chapter, i.e. those activities that do not comply with the Storage requirements of Rule 1 (which applies threshold limits site containment and waterbody setback controls), should be changed from Non-complying to Restricted Discretionary. The submitter also proposes the following list of Assessment Matters.

- Storage site
- Location (proximity to water and sensitive activities)
- Construction materials
- Spill containment (eg bunding)
- Security
- Ventilation and lighting
- Signs and placards
- Containers and labelling

It is noted that the Restricted Discretionary status and Assessment Matters are used in some other District Plans (e.g. Christchurch hazardous substances rules) but not generally by Environment Canterbury (which opposes the submission).

However such a change in status was never envisaged and it is considered to be outside the scope of the matters of the Variation. If the change had been included, it could well have attracted submissions from parties that did not otherwise submit on the Variation. Any consideration of such a change should therefore occur only after further public consultation.

Notwithstanding this, if the change had been within the scope of the Variation then the Assessment Matters suggested in the submission would need to be expanded so that activities were fully assessed to establish the extent to which the proposed activity and the proposed site poses a risk to the environment.

Recommendation:

That the submission be **rejected**.

Submission 102.28 requests that the heading “Transport” to Rule VII, 3 be changed to read “Transport on waterbodies” . As the text of the rule relates only to the transport of hazardous substances by boat or other craft over waterbodies, this change is supported. The submission also requests that the term “waterway” be changed to “waterbodies”, which has been commented on above with regard to Submission 102.25 and is supported.

Recommendation:

That the submission be **accepted**, and the heading “Transport” to Rule VII, 3 be changed to read Transport on waterbodies”. For consistency, this change should also be made to Rule 6.2 of the Townships Volume.

(ii) Changes to Appendix 15 of the Rural Volume

Horticulture New Zealand seeks a number of changes to be made to various parts of Appendix 15 of the Rural Volume. Those submissions are considered here on an individual basis.

Submission 102.30. Include a Note at commencement of Table 2 as follows:

HSNO classes or subclasses not listed in Table 2 are exempt from the quantity limit requirement of Rule VII - Storage 1.1 and Table 2.

This change is supported, as the Note provides clarity and avoids any confusion on the status of activities that are not ‘caught’ by the threshold limits, but to which the other requirements in Rule 1 still apply.

Recommendation:

That the submission be **accepted** with the suggested wording inserted.

Submission 102.31. In the notes before Table 1 in Appendix 15 of the Rural Rules, replace "Manufacturer's Safety Data Sheets (MSDS)" with "Safety Data Sheets (SDS)".

This change is supported, as the term “Safety Data Sheets (SDS)” is consistent with HSNO.

Recommendation:

That the submission be **accepted**.

Submission 102.32. Amend 2nd bullet point (in the opening comments to Table 1) to read:

Where a substance has more than one HSNO class or subclass applied the quantity limit for storage as permitted activity will be based on the most restrictive threshold for that substance in Appendix 15 Table 2.

This change is supported, as it provides greater clarity and certainty of interpretation. However it is suggested that the words ‘class or’ should not be included, as the threshold quantity limits apply to subclasses and not classes of substance. The amendment would read:

Where a substance has more than one HSNO subclass applied the quantity limit for storage as permitted activity will be based on the most restrictive threshold for that substance in Appendix 15 Table 2.

Recommendation:

That the submission be **accepted** subject to the suggested change in wording.

Submission 102.33. The following relief is requested:

- Reformat Table 1 to be clear and less confusing.
- Delete the UN class column.
- Identify the source of the Health and safety hazard data.

Reformatting Table 1 to avoid any doubt is supported, so that it is clear the examples given are not intended to correlate to the HSNO class or the Description or the Health and Safety Hazard but are simply there as examples of the types of substance that may fall within the stated classes of substances.

Deletion of the UN class column is supported, as it is not equivalent to the HSNO system and retaining it is likely to cause confusion. This will also give appropriate weight to HSNO classification system.

The Health and Safety hazard data used in Appendix 15 is sourced from the Ministry for the Environment's *Land Use Planning Guide for Hazardous facilities Appendix A: HFSP Rating Criteria for Hazardous Substances*

Recommendation:

That the submission be **accepted**, and Table 1 be amended by:

- a. removing the column for UN Class; and
- b. changing the order of the columns for hazardous substance types, examples of hazardous substances, and HNSO class/category to avoid confusion regarding the relationship between the information in these columns.

Submission 102.34. Amend Table 1 Flammable Liquids so petrol is shown as 3.1A but that 3.1B HSNO controls apply.

The submitter's reason for this request is that the Plan should recognise that Class 3.1B controls have been applied to petrol, which is a Class 3.1A substance. This is unnecessary, as this revision by ERMA relates to HSNO test certification which is a statutory requirement and does not need to be spelled out in the Plan. In any case, the suggested change would have no practical purpose because the quantity thresholds in Table 2 are the same for Class 3.1A and 3.1B.

Recommendation:

That the submission be **rejected**.

Submission 102.40. Amend Appendix 15 Table 2 - flammable gases to provide for gases to be measured as m³. (If quantity limits for HSNO classes 1-5 are not deleted).

The submitter's reasons for this relief is that in their view, the HSNO requirements provide for gases as m³ (cubic meters) whereas kg (kilograms) has been used in the Plan.

This change is not supported by HSNO. Schedule 3 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 shows that most common gases are quantified by mass (i.e. kg), while less common 'permanent gases' (i.e. those with a critical temperature not exceeding minus 50degrees C e.g. Oxygen) are quantified by volume (i.e. m³). To be fully consistent with HSNO, Class 2.1.2A (e.g. aerosols) should be quantified by litres Aggregate Water Capacity, any other non-permanent gas by kg, and any permanent gas by m³, but this is considered unnecessarily complex and confusing for the purposes of the Plan.

Recommendation:

That the submission be **rejected**, and for ease of application, the term kg be retained.

Submission 102.42 requests clarification on how the level of 1000 kg/litres was determined for the threshold quantity limit for Agrichemicals/pesticides. The 1000kg/litres threshold was carried over from the pre- Variation provisions of the Plan.

Submission 102.43 requests deletion of Ecotoxic substances from Appendix 15 Table 2, on the grounds that the control of such substances is already controlled by Environment Canterbury. However as explained in section 2 of this report, the District Plan must provide for protection of water from contamination by hazardous substances of all classes to be consistent with the NRRP.

Recommendation:

That the submission be **rejected**.

13. CONCLUSIONS AND RECOMMENDATIONS

Having regard to all the matters raised in submissions, it is considered that the Variation does not require substantial changes other than to make the following amendments from the recommendations of this report, which are summarised as follows, and any consequential changes that arise from the Council's consideration of submissions:

Recommendations:

Accept Submission 102.9

In each Volume of the Plan, amend Section Two, section 3.2 -I (i) ("*What is a hazardous substance* ") by changing the definition reference "...section 6 of the Hazardous Substances and New Organisms Act..." to read "...section 2 of the Hazardous Substances and New Organisms Act...".

Accept Submission 102.10

In each Volume of the Plan, amend Section Two, section 3.2 -I (ii) ("*What are the issues* ") by deleting the words 'depleted or' in the phrase 'depleted or surplus agrichemicals or garden sprays' in the last sentence in paragraph 1

Accept Submission 102.12

In each Volume of the Plan, amend, section 3.2 -II “Strategy” by deleting the words 'large quantities of' from the 5th bullet point so that it reads:

- *Ensuring that activities in the district that use or produce large quantities of hazardous substances have appropriate disposal plans.*

Accept Submission 102.36 in part

In each Volume of the Plan, amend the definition sections to include the following definition:

Agrichemical means any substance or mixtures of substances, whether inorganic or organic, biological, man-made or naturally occurring, modified or in its original state, that is prepared or manufactured and used to eradicate or control flora and fauna. This includes any pesticide, herbicide, fungicide, insecticide, piscicide, vertebrate pest control chemical, or other biocide, or any genetically modified organism or animal remedy registered under the Hazardous Substances and New Organisms Act 1996 and the Agricultural Compounds and Veterinary Medicines Act 1997. For the avoidance of doubt, it does not include fertilisers or lime and other soil conditioners, or animal effluent.

Accept Submission 102.38

In Appendix 9 of the Townships Volume and Appendix 15 of the Rural Volume, amend Tables 1 and 2 by including a reference note¹ to the subgroup “Any other toxic substances” which states:

¹ “Any other toxic substances” means any toxic substance of classes 6.1A, 6.1B, 6.1C and 6.1D that is not in any of the other sub groups of toxic substances.

Accept Submissions 100.1 and 101.1 (if these submissions are considered to be within scope of the variation)

In the Rural Volume of the Plan only, amend the quantity limit for Class 2.1a from 600kg to 4000kg.

Accept Submission 102.17, 5th bullet point

In the Rural Volume of the Plan only, in the explanation and reasons for Policy 1 change the reference to Appendix 9 to Appendix 15.

Accept Submission 102.23.

Amend Townships – Rules for Business Zones - Rule 2 – Permitted Activities - Storage 2.1.1 to read:

The quantity of each subclass of hazardous substances listed in Appendix 9 Table 2 complies with the maximum storage quantities set out in Appendix 9 Table 2.

Amend Townships Rule 6 – Rules for Living Zones - Permitted Activities - Storage 6.1.1 to read:

The quantity of each subclass of hazardous substances listed in Appendix 9 Table 2 complies with the maximum storage quantities set out in Appendix 9 Table 2.

Amend Rural Rule VII – Permitted Activities - Storage 1.1 to read:

The quantity of each subclass of hazardous substances listed in Appendix 15 Table 2 complies with the maximum storage quantities set out in Appendix 15 Table 2.

Accept Submission 102.24

Amend Note 3 at the commencement of Townships Rule 2 and Townships Rule 6 to read:

Where a substance has more than one HSNO subclass applied the quantity limit for storage as a permitted activity will be based on the most restrictive threshold in Appendix 9, Table 2 for that substance. For instance a substance with 6.1A and 9.1B classifications would be based on the 6.1A quantities as 9.1B permits 5000 litres and 6.1A permits 1000 litres. 6.1A is the more restrictive threshold in Table 2 so that is the threshold to be used.

Amend Note 3 at the commencement of Rural Rule VII – Note 3 to read:

Where a substance has more than one HSNO subclass applied the quantity limit for storage as a permitted activity will be based on the most restrictive threshold in Appendix 15, Table 2 for that substance. For instance a substance with 6.1A and 9.1B classifications would be based on the 6.1A quantities as 9.1B permits 5000 litres and 6.1A permits 1000 litres. 6.1A is the more restrictive threshold in Table 2 so that is the threshold to be used.

Accept submission 102.28

Amend the Townships Volume Rule 6.2 and the Rural Volume VII, 3 so that the heading “Transport reads “Transport on waterbodies” and the term “waterway” is changed to “waterbodies” in the text of the Rule.

Accept Submission 102.25

Amend Rural Volume Rule VII 1.4 to read:

1.4 A hazardous substance is not stored:

1.4.1 Within 20m of any waterbody or any wetland which adjoins a waterbody; and

1.4.2 In any area shown on the Planning Maps as a Silent File area, Wahi [Cl 16(2), 1st Sch RMA] Taonga site, Wahi [Cl 16(2), 1st Sch RMA] Taonga Management Area, or Mahinga Kai site.

Note: Rule 1.4 shall apply only to hazardous substances that are

- (iii) substances other than those that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement; and
- (iv) substances that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement and are transported by means other than through a pipe.

The substances listed in Policy 1(a)(ii) of the RPS are:

(a) Pesticides.

(b) Chlorinated solvents

(c) Timber preservatives

(d) Petroleum products

(f) Substances containing the following chemicals: arsenic, cadmium, chromium, cyanide, lead, mercury, nickel or selenium.

Amend Townships Volume Rule 6.14 to read:

6.14 A hazardous substance is not stored:

6.14.1 *Within 20m of any waterbody or any wetland which adjoins a waterbody; and*

6.14.1 *In any area shown on the Planning Maps as a Silent File area, Wahi [Cl 16(2), 1st Sch RMA] Taonga site, Wahi [Cl 16(2), 1st Sch RMA] Taonga Management Area, or Mahinga Kai site.*

Note: Rule 6.14 shall apply only to hazardous substances that are

- (v) *substances other than those that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement; and*
- (vi) *substances that are listed in Policy 1(a)(ii) of Chapter 17 of the Canterbury Regional Policy Statement and are transported by means other than through a pipe.*

The substances listed in Policy 1(a)(ii) of the RPS are:

(a) Pesticides.

(b) Chlorinated solvents

(c) Timber preservatives

(d) Petroleum products

(f) Substances containing the following chemicals: arsenic, cadmium, chromium, cyanide, lead, mercury, nickel or selenium.

Accept Submission 102.30.

Include a new Note at commencement of Table 2 of Appendix 9 in the Townships Volume and Table 2 in Appendix 15 in the Rural Volume to read:

HSNO classes or subclasses not listed in Table 2 are exempt from the quantity limit requirement of Rule VII - Storage 1.1 and Table 2.

Accept Submission 102.31.

In the opening comments to Table 1 in Appendix 9 of the Townships Volume and Table 1 in Appendix 15 of the Rural Volume, replace "Manufacturer's Safety Data Sheets (MSDS)" with "Safety Data Sheets (SDS)".

Accept Submission 102.32.

In the opening comments to Table 1 in Appendix 9 of the Townships Volume and Table 1 in Appendix 15 of the Rural Volume, amend the 2nd bullet point to read:

Where a substance has more than one HSNO subclass applied the quantity limit for storage as permitted activity will be based on the most restrictive threshold for that substance in Appendix 15 Table 2.

Accept Submission 102.33.

Amend Table 1 in Appendix 9 of the Townships Volume and Table 1 in Appendix 15 of the Rural Volume by

- a. removing the column for UN Class; and
- b. changing the order of the columns for hazardous substance types, examples of hazardous substances, and HNSO class/category to avoid confusion regarding the relationship between the information in these columns.

Accept Submission 102.37.

Amend Tables 1 and 2 of Appendix 15 of the Rural Volume and Tables 1 and 2 of Appendix 9 of the Townships Volume so that the term 'HSNO Controlled Substances' is changed to 'Fumigant gases and vertebrate poisons e.g. Fumigant gases (e.g. chloropicrin, methyl bromide) and vertebrate poisons (e.g. cyanide baits, 1080).'

Appendix Five:

Summary of all Recommendations on Submissions and Further Submissions

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

Original Submitter Number & Name	Further Submissions	Submission Point	Summary	Decision Requested	Recommendation (Accept / Reject)
93 Tegel Foods		93.1	Consistency between the district plan and HSNO	Additional streamlining of the provisions of the District Plan in relation to Hazardous Substances to prevent duplication with requirements under HSNO or set out in the Regional Plan.	Accept in part
	<i>Horticulture NZ</i>	<i>180F</i>		<i>Support in part / Oppose in part</i>	<i>Accept in part</i>
95 IZone Project Team		95.1	Amend Policy 3	Amend explanation to Policy 3 by adding: "The threshold quantities in Appendix 9 for hazardous substances are highest for the Rolleston Business 2 Zone as depicted on the Outline Development Plan at Appendix 22 of the Township Volume, as this site is separated from the township".	Reject
		95.2	Amend Appendix 9	Add a further quantity limits column titled "Rolleston Business 2 Zone as depicted on the Outline Development Plan at Appendix 22 of the Townships Volume". Add the maximum limits in Ministry of Environment's Hazardous Facilities Screening Procedure for each hazardous substance in this additional column.	Reject
96 Federated Farmers of New Zealand (Inc)		96.1	Rural Vol, Part III, Note 8 and Township Vol, Part 3, Note 6	Delete the proposed statement that Environment Canterbury be consulted about "any activity involving the use, disposal, discharge or transportation of a hazardous substance".	Reject
	<i>Canterbury Regional Council</i>	<i>241F</i>		<i>Oppose</i>	<i>Accept</i>
		96.2	Table 2 of Rural and Township Volumes	Delay altering quantity thresholds and site requirements, until the requirements of the revised RPS and operational NRRP are known.	Reject
		96.3	Cross Boundary Issues (Table 1)	Do not pursue consistency at the cost of not having quantity thresholds and site requirements which are the most appropriate for Selwyn District.	Accept in part
		96.4	Consistency between Rural and Township Volumes	Support consistency between the Rural Volume and the Township Volume of the District Plan.	Accept in part

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

		96.5	Storage	Proceed with the proposal to focus on storage and not to control the use of hazardous substances.	Accept
	<i>Horticulture NZ</i>	<i>180F</i>		<i>Support</i>	<i>Accept</i>
		96.6	Rural Volume Rule VII	Retain the exemption from Rule VII for the disposal of empty containers disposed of in accordance with manufacturer's instructions.	Reject
	<i>Canterbury Regional Council</i>	<i>241F</i>		<i>Oppose</i>	<i>Accept</i>
		96.7	Definition of Hazardous Substances	Not to broaden the definition of hazardous substances	Reject
	<i>Canterbury Regional Council</i>	<i>241F</i>		<i>Oppose</i>	<i>Accept</i>
		96.8	Rule 2.3(a) and 2.3(b)	Proceed with the amendment as proposed	Accept
		96.9	Appendix 15 (1) and 9 (1)	The proposed amendment is supported only if the classes of hazardous substances table is maintained to be consistent with HSNO Hazardous Substances Regulations.	Accept
		96.10	Consistency between the district plan and HSNO	Proceed with amendments to provide consistency between the District Plan and HSNO legislation.	Accept in part
		96.11	Exclusion of LPG from containment requirements	Exclude LPG from site contaminant provisions in both volumes of the district plan.	Accept
		96.12	Table 2 of Rural and Township Volumes	Remove quantity limits from Table 2 for substances where compliance with NZS8409:2004 can be demonstrated and for substances that require Location Test Certificates. Review the quantity threshold under the category "Any Other Toxic Substances", in Table 2 of the Rural Volume.	Reject
	<i>Canterbury Regional Council</i>	<i>241F</i>		<i>Oppose</i>	<i>Accept</i>
		96.13	Existing Use Rights	Maintain existing use rights, where existing use is inconsistent with the threshold quantities in Table 2, Rural and Township Volumes.	Accept in part
99 Canterbury Regional Council		99.1	Entire variation	That Variation 26 be approved as notified.	Accept in part

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

	<i>Horticulture NZ</i>	<i>180F</i>		<i>Oppose</i>	<i>Accept in part</i>
100 LPG Association of NZ Inc		100.1	Amend appendix 15 - Rural Vol	Quantity limit for class 2.1a be increased from 600kg to 4000kg.	Reject (or Accept, if these submissions are considered to be within scope of the variation)
101 Rockgas Limited		101.1	Amend appendix 15 - Rural Vol	Quantity limit for hazardous substance 2.1a be increased from 600kg to 4000kg.	Reject (or Accept, if these submissions are considered to be within scope of the variation)
102 Horticulture New Zealand		102.1	Entire variation - Rural vol	Make changes as sought in this submission, including exemptions for activities complying with existing regulations that address the issues.	Accept in part
		102.2	Relationship to HSNO	That amendments sought in this submission are accepted.	Accept in part
		102.3	Rule 2.3 Township Volume	That external documents, such as NZS8409:2004 Management of Agrichemicals, be incorporated into Variation 26 in an open and explicit manner. That reference to the Codes of Practice for the storage of Petrol and LPG be reinserted in to the Exceptions in Rule 2.3 in the Township Volume.	Reject
		102.4	Section 32 report	Make changes as sought in this submission, including exemptions for activities complying with existing regulations that address the issues, and readdress the appeal point ENVC 295F/04.	Reject
		102.5	Explanations and Reasons after Policy 1	Retain deletion of use of hazardous substances throughout the variation. Ensure that all references to 'use' are deleted in the variation.	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	<i>238F</i>		<i>Support</i>	<i>Reject</i>
		102.6	Formatting	Reconfigure and format the variation so that it is clear and easy to follow, including page number and header rollovers.	Accept in part
		102.7	Consequential Changes	The consequential changes are made to the Plan as a result of decisions sought in this submission.	Accept in part

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

		102.8	Issues Objectives and Policies 3.2	Delete "waterbodies" from Issue 2. Delete issue 3 from the Rural Volume.	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.9	Definition of Hazardous Substances	Amend the definition reference to HSNO section 2.	Accept
		102.10	Issues Objectives and Policies 3.2	Amend Section "What are the Issues?" by: <ul style="list-style-type: none"> Deleting 'depleted or' from the last sentence of the 1st paragraph. Deleting 'or controlled' from the 1st sentence of the 2nd paragraph. Amend the list of bullet points to only refer to matters of relevance to RMA jurisdiction. Reinsert the deleted paragraph commencing "Small quantities of hazardous substances..." 	Accept Reject Reject Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept in part</i>
		102.11	Regulatory Controls	Amend 'Regulatory Controls' section as follows: <ul style="list-style-type: none"> Include a list of specific hazardous substances and circumstances which Selwyn District Council manage. Delete 'use' from paragraph 5. Amend the last sentence of paragraph 5 to read: "In setting objectives, policies and rules for hazardous substances the Council must ensure the provisions are consistent with the RMA and Environment Canterbury Resource Management Plans. In addition consideration of the linkages between other legislation and regulations, such as HSNO, will be included as appropriate". 	Reject Reject Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.12	Amend Policy 3.2	Amend 3.2 II Strategy as follows: <ul style="list-style-type: none"> Delete 'large quantities of' from the 5th bullet point. Delete bullet point 4. 	Accept Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept in part</i>

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

		102.14	Amend Policy 3	Amend 3.2 III - Objective (i) as follows: <ul style="list-style-type: none"> Delete objective 2 Delete 'and amenity values of waterbodies' from Objective 3. Retain deleted Objective 1 to read: "Hazardous substances are recognised as an integral part of rural activities and are managed to ensure that they do not adversely affect the rural environment." 	Reject Reject Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.15	Objectives	Amendments to the Explanations and Reasons to be consistent with the changes sought to the objectives. Deletion of the last sentence of the 1st paragraph.	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.16	Amend Policy 1	Amend Policy 1 to read: <ul style="list-style-type: none"> a) Provide for hazardous substances to be stored in the rural area to enable rural land use to be undertaken without duplication in compliance requirements and based on use of best practices, relevant Codes of Practices, NZ Standards, requirements of other regulations (such as HSNO), and quantity thresholds where no other relevant options exist. b) Ensure hazardous substances are stored under conditions which reduce the risk of any leaks or spills contaminating land. 	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

		102.17	Explanations and Reasons after Policy 1	<ul style="list-style-type: none"> Amendments to the Explanations and Reasons to be consistent with the changes sought to Policy 1. Replace the 2nd paragraph of the Explanation and Reasons as follows: "Policy 1 is implemented using a range of mechanisms, including rules with conditions for storing and disposing of hazardous substances in the rural area. Resource consents will be required where permitted activity standards are not able to be met. Council seek to avoid duplication of compliance requirements for activities". Delete the 1st and 3rd sentences of the 3rd paragraph. Amend the 2nd sentence of the 3rd paragraph as follows: "The classification system in Appendix 15 is based on the provisions of the HSNO legislation and will be used where no other appropriate option for managing specific classes of hazardous substances exists." Amend references to Appendix 9 to Appendix 15. Delete 'use' from the 1st sentence in paragraph 6. 	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.18	Amend Policy 1	Amend methods for Policy 1 to include: <ul style="list-style-type: none"> the use of best management practices, relevant Codes of Practices, NZ Standards, and requirements of other regulations. NZS8409:2004 Management of Agrichemicals will be used as a means to achieve the objective and policy in respect to agrichemicals. 	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.19	Amend Policy 2	<ul style="list-style-type: none"> Delete point i) from Policy 2. Make consequential amendments to the Explanations and Reasons. 	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
	<i>Canterbury Regional Council</i>	241F		<i>Oppose</i>	<i>Accept</i>
		102.20	Policies 4 and 5	Include under Policies 4 and 5 - Methods: Advocacy. Support for implementation of the Agrecovery programme for disposal of agrichemical containers.	Reject

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.21	Environmental Results	Delete result 3 as it pertains to waterbodies.	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
	<i>Canterbury Regional Council</i>	241F		<i>Oppose</i>	<i>Accept</i>
		102.22	Rule VII	Amend permitted activities - storage: point 1 as follows: The storage of any hazardous substance if all of the following conditions are met of the activities meet the requirement for an exclusion in 1.5 Add point 1.5 to permitted activities - storage. 1.5 The following activities are excluded from the requirements of this rule: <ul style="list-style-type: none"> Storage of agrichemicals which complies with Section 4 and Appendix L of NZS8409:2004 Management of Agrichemicals. Storage of Class 1-5 substances where a current Location Test Certificate has been issued by a Test Certifier under HSNO. 	Reject
		102.23	Rule VII	Amend Rule VII - Storage 1.1 as follows: The quantity of each class of subclass or hazardous substances listed in Appendix 15 Table 2 complies with the maximum storage quantities set out in Appendix 15 Table 2.	Accept in part
		102.24	Rule VII	Amend note 3 to read: Where a substance has more than one HSNO class or subclass applied the quantity limit for storage as a permitted activity will be based on the most restrictive threshold in Appendix 15, Table 2 for that substance. For instance a substance with 6.1A and 9.1B classifications would be based on the 6.1A quantities as 9.1B permits 5000 litres and 6.1A permits 1000 litres. 6.1A is the more restrictive threshold in Table 2 so that is the threshold to be used.	Accept in part
		102.25	Rule VII	<ul style="list-style-type: none"> Specify the substances which are not managed by Environment Canterbury and limit Rule VII - Storage 1.4 to those substances. Delete the term 'waterway' and replace with 'surface waterbodies'. 	Reject Accept

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

		102.26	Rule VII	Amend Rule VII 2.1 to Restricted Discretionary Activity and include the following list of matters to be considered: <ul style="list-style-type: none"> • Storage site • Location (proximity to water and sensitive activities) • Construction materials • Spill containment (eg bunding) *Security • Ventilation and lighting • Signs and placards • Containers and labelling 	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
	<i>Canterbury Regional Council</i>	241F		<i>Oppose</i>	<i>Accept</i>
		102.27	Rule VII	Amend Rule VII Permitted Activities to include for Disposal after Transport as follows: Disposal of any hazardous substances subject to the following conditions: <ul style="list-style-type: none"> • The hazardous substance is disposed of in accordance with manufacturers instructions. • Disposal of agrichemicals complies with Section 6 of NZS8409:2004 Management of Agrichemicals. Disposal of hazardous substances meets the requirements of the Hazardous Substances (Disposal) Regulations.	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.28	Rule VII	<ul style="list-style-type: none"> • Amend Rule VII - Hazardous Substances, Transport to be Transport on waterbodies. • Replace the term 'waterway' with 'waterbodies'. 	Accept
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept</i>
		102.29	Amend appendix 15 - Rural Vol	<ul style="list-style-type: none"> • Rename Appendix 15 as 'Storage of Hazardous Substances'. • Rename Table 1 as 'Classification of Hazardous Substances addressed in this Plan'. • Rename Table 2 as 'Land Use Quantity Limits for storage of classes of Hazardous Substances' 	Reject Reject Reject

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.30	Amend appendix 15 - Rural Vol	Include a Note at commencement of Table 2 as follows: HSNO classes or subclasses not listed in Table 2 are exempt from the quantity limit requirement of Rule VII - Storage 1.1 and Table 2.	Accept
		102.31	Amend appendix 15 - Rural Vol	Replace "Manufacturer's Safety Data Sheets (MSDS)" with "Safety Data Sheets (SDS)"	Accept
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept</i>
		102.32	Amend appendix 15 - Rural Vol	Amend 2nd bullet point to read: Where a substance has more than one HSNO class or subclass applied the quantity limit for storage as permitted activity will be based on the most restrictive threshold for that substance in Appendix 15 Table 2.	Accept in part
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept in part</i>
		103.33	Amend appendix 15 - Rural Vol	<ul style="list-style-type: none"> Reformat the table to be clear and less confusing. Delete the UN class column. Identify the source of the Health and safety hazard data. 	Accept in part
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept in part</i>
		103.34	Amend appendix 15 - Rural Vol	Amend Table 1 Flammable Liquids so petrol is shown as 3.1A but that 3.1B HSNO controls apply.	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>
		102.35	Amend appendix 15 - Rural Vol	Delete references to 'pesticides'.	Reject
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Reject</i>

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

		102.36	Amend appendix 15 - Rural Vol	Include a definition for agrichemical as follows: Agrichemical: Any substance, whether inorganic or organic, human-made or naturally occurring, modified or in its original state, that is used in agriculture, horticulture or related activity, to eradicate modify or control flora and fauna. For the purpose of NZS8409:2004, agrichemicals do not include fertilisers, vertebrate pest control products and oral nutrition compounds.	Accept in part
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept in part</i>
	<i>Canterbury Regional Council</i>	241F		<i>Oppose</i>	<i>Accept in part</i>
		102.37	Amend appendix 15 - Rural Vol	<ul style="list-style-type: none"> Delete HSNO "Controlled substances" and replace with "Fumigant gases and vertebrate poisons". Amend the descriptions to read: Fumigant gases (e.g. chloropicrin, methyl bromide) and vertebrate poisons (e.g. cyanide baits, 1080). 	Accept Accept
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept</i>
		102.38	Amend appendix 15 - Rural Vol	State what substances 'other toxic substances' include.	Accept in part
	<i>Federated Farmers of New Zealand (Inc)</i>	238F		<i>Support</i>	<i>Accept in part</i>
		102.39	Amend appendix 15 - Rural Vol	Delete quantity limits for HSNO classes 1-5.	Reject
	<i>Canterbury Regional Council</i>	241F		<i>Oppose</i>	<i>Accept</i>
		102.40	Amend appendix 15 - Rural Vol	Amend Appendix 15 Table 2 - flammable gases to provide for gases to be measured as m3. (If quantity limits for HSNO classes 1-5 are not deleted).	Reject
		102.41	Amend appendix 15 - Rural Vol	Delete quantity limits for Flammable Liquids where a current Location Test Certificate has been issued by a Test Certifier under HSNO.	Reject
	<i>Canterbury Regional Council</i>	241F		<i>Oppose</i>	<i>Accept</i>

SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

		102.42	Amend appendix 15 - Rural Vol	<ul style="list-style-type: none"> • Include the exclusion for storage of agrichemicals where it complies with Section 4 and Appendix L of NZS8409:2004 Management of Agrichemicals as sought in relation to Rule VII - storage, permitted activities. • Clarify how the level of 1000kg/litres was determined. 	Reject Clarification provided
	Canterbury Regional Council	241F		Oppose	Accept
		102.43	Amend appendix 15 - Rural Vol	Delete Ecotoxic substances from Table 2.	Reject
	Federated Farmers of New Zealand (Inc)	238F		Support	Reject
	Canterbury Regional Council	241F		Oppose	Accept

Appendix Six:

Letter from Canterbury District Health Board

061205022

Canterbury

District Health Board

File 01-7722
30 November 2006

Te Poari Hauora o Waitaha

The Regulatory Manager
Selwyn District Council
Private Bag 1
LEESTON

	ACTION	COPY
CHIEF EXECUTIVE		
ASSET MNGR		
CORPORATE MNGR		
REGULATORY MNGR	✓	
MAYOR		
EDSM		



Dear Sir

Attention: Planning Department

RE: Proposed Variation 26 Hazardous Substances

Community & Public Health, a division of Canterbury District Health Board, supports this proposal to amend the provisions within the Proposed District Plan that relate to Hazardous Substances.

However it is noted that in the S32 Evaluation Chapter, Selwyn District Council's role is defined to be much more limited than the Hazardous Substances and New Organisms Act 1996 actually requires.

For example:

p10 "The Council has limited powers and responsibilities under HSNO, which is administered mainly by various other agencies ..."

and p12 "'Use' is heavily controlled by other agencies, especially the HSNO controls. The District Council has the option of also dealing with use ..."

and "As the Council has decided to leave the control of use to the Regional Council and other bodies ..."

but,

s97 HSNO Act (Enforcement of Act) details the TLA responsibilities as:

- (h) The chief executive of any territorial authority—
 - (i) **Shall** ensure that the provisions of this Act are enforced in or on any premises situated in the district of the territorial authority other than those premises specified in paragraphs (a) to (g) of this section:
 - (ii) ...

and the definition of premises in s2 HSNO Act is:

Community & Public Health, Chester House, 76 Chester Street East, PO Box 1475, Christchurch. Telephone 03 379 9480, Facsimile 03 379 6125.

■ Christchurch Office: PO Box 1475, Christchurch. Telephone 03 379 9480. ■ Hauora Mātauraka: PO Box 1475, Christchurch. Telephone 03 374 0490.

■ Ashburton Office: PO Box 110, Ashburton. Telephone 03 307 8080. ■ West Coast Office: PO Box 443, Greymouth. Telephone 03 768 1160.

■ South Canterbury Office: PO Box 510, Timaru. Telephone 03 688 6019.

www.cph.co.nz

``premises" includes a dwelling, building, aircraft, ship, carriage, vehicle, box, receptacle, and place

Therefore. TLAs:

- are the lead agencies for private dwellings and public places, and have responsibilities that include controlling the use, manufacture, storage and disposal of all classes of hazardous substances – unless they have formal arrangements in place to transfer these functions to another agency in terms of s98 HSNO Act.
- are not responsible for workplaces (as defined in the Health & Safety in Employment Act), nor for gas appliances, installations or distribution systems, nor motor vehicle, roads, rail vehicles, aircraft, aerodromes or ships.

It is acknowledged that the wording in Proposed Variation 26 cannot limit TLA responsibilities under the HSNO Act, but it may create the impression among ratepayers that other agencies, including ourselves as contracted agents of the Ministry of Health, have a greater role than we actually provide. The potential for confusion is undesirable, particularly in hazardous substances emergencies, and for public inquiries and complaints.

The issues have discussed with SDC's Julia Forsythe, and Proposed Variation 26 consultants, Stephanie Styles of Boffa Miskell Ltd and Russell Malthus, plus Brian Watts of ERMA, and none of them have categorically disagreed with the above.

I am available for further discussions.

Yours faithfully



I. A. Graham
Health Protection Officer

for Medical Officer of Health