

**Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.**

**Form 5 Submission on publically notified proposal for policy statement or plan, change or variation**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Timaru District Council - Planning Unit

**Date received:** 15/12/2022

**Submission Reference Number #:**49

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

**Submitter:**

Ixom Operations PTY LTD - Austin brooks

**Address for service:**

Ixom Operations PTY LTD  
7 Charman Street Port of Timaru Timaru 7910  
New Zealand

**Email:** austin.brooks@ixom.com

**I wish to be heard:** No

**I am willing to present a joint case:** No

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

**Submission points**

---

**Point 49.1**

**Section:** HS – Hazardous Substances

**Sub-section:** Objectives

**Provision:**

**HS-O2 Sensitive activities**

New sensitive activities are located to minimise reserve sensitivity effects on major hazard facilities and to avoid unacceptable risks to the sensitive activity.

**Sentiment:** Support

**Submission:**

Has the council adequately considered the difference in risk between a lower tier MHF and an upper tier MHF as defined in the regulations. Lower tier MHF's pose less risk and as such, should sensitive activities be able to reside closer to lower tier MHF's than the suggested 250m for all MHF's?

**Relief sought**

Consideration point only.

---

**Point 49.2**

**Section:** HS – Hazardous Substances

**Sub-section:** Policies

**Provision:**

**HS-P1 New Major Hazard Facilities and additions to existing Major Hazard Facilities**

Avoid unacceptable risks of new Major Hazard Facilities and additions to Major Hazard Facilities by:

1. using Quantitative Risk Assessments to ensure the risk of an individual human fatality is not greater than  $1 \times 10^{-6}$  per year (one in a million), including cumulative effects; and
2. ensuring Major Hazard Facilities do not cause unacceptable cumulative effects by locating too close to each other; and
3. locating Major Hazard Facilities outside of sensitive environments, except for Natural Hazard Areas (not defined as a High Hazard Area); and
4. ensuring, in Natural Hazard Areas (not defined as a High Hazard Area), suitable measures are to undertaken to:
  - a. avoid or minimise adverse effects from natural hazards on hazardous facilities and Major Hazard Facilities; and
  - b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event.

**Sentiment:** Amend

**Submission:**

Has the council considered how the mechanics of ascertaining the cumulative effects of MHF's is to be worked out?

i.e if an MHF wanted to establish and the existing MHF had not completed a QRA, who organises for the existing MHF QRA to be completed and who pays for this? Is it on the new MHF to undertake this work?

**Relief sought**

Consideration point only

---

**Point 49.3**

**Section:** HS – Hazardous Substances

**Sub-section:** Policies

**Provision:**

**HS-P1 New Major Hazard Facilities and additions to existing Major Hazard Facilities**

Avoid unacceptable risks of new Major Hazard Facilities and additions to Major Hazard Facilities by:

1. using Quantitative Risk Assessments to ensure the risk of an individual human fatality is not greater than  $1 \times 10^{-6}$  per year (one in a million), including cumulative effects; and
2. ensuring Major Hazard Facilities do not cause unacceptable cumulative effects by locating too close to each other; and
3. locating Major Hazard Facilities outside of sensitive environments, except for Natural Hazard Areas (not defined as a High Hazard Area); and
4. ensuring, in Natural Hazard Areas (not defined as a High Hazard Area), suitable measures are to undertaken to:
  - a. avoid or minimise adverse effects from natural hazards on hazardous facilities and Major Hazard Facilities; and
  - b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event.

**Sentiment:** Amend

**Submission:**

Item 4. a.

Don't see an issue, provided the controls imposed are reasonable and practicable. Defenses against Tsunami would be very costly and large, so we would not expect to have to store packaged hazardous substances in tsunami proof bunkers for instance. It is not clear by the wording how much minimisation is required or expected.

**Relief sought**

4. ensuring, in Natural Hazard Areas (not defined as a High Hazard Area), suitable measures are to undertaken to:
  - a. avoid or minimise adverse effects from natural hazards on hazardous facilities and Major Hazard Facilities (excluding tsunami events); and
  - b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event (excluding tsunami events).

**Point 49.4**

**Section:** HS – Hazardous Substances

**Sub-section:** Policies

**Provision:**

**HS-P2 Repair and maintenance of existing Major Hazard Facilities**

Enable the repair and maintenance of existing Major Hazard Facilities.

**Sentiment:** Oppose

**Submission:**

This policy doesn't provide any benefit or direction. The existing MHF regulations require MHF's to repair and maintain in order to operate.

**Relief sought**

~~Enable the repair and maintenance of existing Major Hazard Facilities.~~

**Point 49.5**

**Section:** HS – Hazardous Substances

**Sub-section:** Policies

**Provision:**

**HS-P4 Hazardous facilities (other than Major Hazard Facilities)**

1. Enable hazardous facilities (other than Major Hazard Facilities), provided that:
  - a. The facility is located outside of a sensitive environment (except for a Flood Assessment Area); and
  - b. The facility is located within a Flood Assessment Area where the flood hazard can be mitigated; and
2. Only allow hazardous facilities (other than Major Hazard Facilities) in sensitive environments where the risks to the sensitive environments can be avoided in the first instance, or where avoidance is not possible, minimised.

**Sentiment:** Amend

**Submission:**

As written.

Sensitive environments include area's within 250m of a major hazard facility. Many MHF's do not have a knock on effect with other sites. A hazardous facility should be able to establish within 250m of an MHF relatively freely.

As the whole port area is within 250m of an MHF, establishment of a new hazardous facility may be adversely affected.

**Relief sought**

1. Enable hazardous facilities (other than Major Hazard Facilities), provided that:
  - a. The facility is located outside of a sensitive environment (except for a Flood Assessment Area and within 250m of an MHF); and
  - b. The facility is located within a Flood Assessment Area where the flood hazard can be mitigated; and
1. Only allow hazardous facilities (other than Major Hazard Facilities) in sensitive environments (Except for within 250m of an MHF) where the risks to the sensitive environments can be avoided in the first instance, or where avoidance is not possible, minimised.

---

**Point 49.6**

**Section:** HS – Hazardous Substances

**Sub-section:** Rules

**Provision:**

**HS-R1 Use and/or storage of hazardous substances in a hazardous facility (excluding Major Hazard Facilities)**

<b>All zones</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>
	<b>Where:</b>	<b>Discretion is restricted to:</b>
	<b>PER-1</b>	
	The hazardous facility is located outside a sensitive environment (other than a Flood Assessment Area Overlay); and	<ol style="list-style-type: none"><li>1. The level of risk relating to likelihood and consequence of the natural hazard and the toxicity, volume, characteristics, and potential consequences of the hazardous substance; and</li><li>2. The extent to which hazardous substances can be safely contained to minimise effects from natural hazards.</li><li>3. Potential effects on land use activities in the</li></ol>

**PER-2**

The activity is within a Flood Assessment Area Overlay and the hazardous facility has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.

- surrounding area; and
- 4. The potential effects on natural ecosystems, sensitive environments and life-supporting capacity of land and water from escape or spillage; and
- 5. Potential risk and effects on SASM; and
- 6. Potential risk to human health and safety; and
- 7. Potential effects on natural character and the amenity of sensitive areas and sensitive uses; and
- 8. Potential for cumulative effects of other activities where hazardous substances are stored, used or disposed of.

**Sentiment:** Amend

**Submission:**

As written a sensitive environment includes the area within 250m of an MHF, which is the whole port area. This is quite restrictive. The Hazardous Substance Regulations already provides the framework for ensuring hazardous substances handled on sites are safe.

**Relief sought**

**Activity status: Permitted**

**Where:**

**PER-1**

The hazardous facility is located outside a sensitive environment (other than a Flood Assessment Area Overlay and within 250m of an MHF); and

**PER-2**

The activity is within a Flood Assessment Area Overlay and the hazardous facility has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.

---

**Point 49.7**

**Section:** HS – Hazardous Substances

**Sub-section:** Rules

**Provision:**

<b>HS-R2</b>	<b>Maintenance and repair of Major Hazard Facilities</b>	
<b>All Zones</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Not applicable</b>

**Sentiment:** Oppose

**Submission:**

Not sure what this rule achieves? seems pointless.

**Relief sought**

~~HS-R2 Maintenance and repair of Major Hazard Facilities-~~

~~Activity status: Permitted~~

~~All Zones~~

~~Activity status when compliance not achieved: Not applicable~~

**Point 49.8**

**Section:** HS – Hazardous Substances

**Sub-section:** Rules

**Provision:**

HS-R3	<b>Sensitive activity, including subdivision to create a new allotment to accommodate future sensitive activity, in proximity to a Major Hazard Facility</b>	
All Zones	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Non-Complying</b>
	<b>Where</b>	
	<b>PER-1</b>	
	Where a Quantitative Risk Assessment has been prepared by a suitably qualified person for a Major Hazard Facility and provided to Timaru District Council and the sensitive activity is located outside any area of unacceptable risk; or	
	<b>PER-2</b>	
	Where a Quantitative Risk Assessment does not exist for a Major Hazard Facility, the sensitive activity is not located within 250m of an existing Major Hazard Facility.	

**Sentiment:** Amend

**Submission:**

**PER-1**

Where a Quantitative Risk Assessment has been prepared by a suitably qualified person for a Major Hazard Facility and provided to Timaru District Council and the [sensitive activity](#) is located outside any area of unacceptable risk; or

This point needs careful consideration. The activities on an MHF change over time, so QRA's will change over time. A sensitive activity not allowed today maybe allowed in a few years time as a particular chemical may have been removed from the MHF and the QRA is now completely different. How will the Council maintain up to date QRA's so they can make decisions around allowing

or not allowing sensitive activities? It would be a risk to base decisions off QRA's that are a few years old.

### **Relief sought**

Where a Quantitative Risk Assessment has been prepared by a suitably qualified person for a Major Hazard Facility and provided to Timaru District Council and the QRA reflects the current nature of the MHF and the [sensitive activity](#) is located outside any area of unacceptable risk; or