

Introduction

- 1 This evidence responds to Minute 19, which was issued by the Hearing Panel on 21 November 2024 (**Minute 19**).
- 2 In Minute 19 the Hearing Panel requested that I:
 - (a) Record any changes to my s42A recommendations, as per the interim reply process set out in Minute 14, Paragraphs [5]-[6].¹
 - (b) Undertake further discussions with BP Oil, et al's and PrimePort's expert witnesses on the relationship between CL-O1, CL-P2 and CL-P3 to clarify the intent of the objective and policies in addressing risk, to see if common ground can be reached and recoded in this interim reply report.²
 - (c) Review the wording of HS-R1 to provide greater clarify in regard to the relief sought by PrimePort.³

Status of submission points post Hearing D

- 3 In response to the Hearing Panel's requests listed under 2 above, I have attached a table titled "Status of issues raised in evidence - post Hearing D – Contaminated Land and Hazardous Substances" at **Appendix A**.
- 4 The table represents a 'stock take' of the issues identified at paragraphs 3 to 5 of the summary of my section 42A report (12 November 2024) (**November summary**).
- 5 Attached at **Appendix B** are revised Contaminated Land and Hazardous Substances chapters based on the assessment and recommendations contained in this interim reply.

Questions raised by the Panel

- 6 The Panel requested that I review the relationship between CL-O1, CL-P2 and CL-P3 to clarify the intent of the objective and policies in addressing risk. Discussions were held with BP Oil, et al on these provisions.⁴ Following those discussions I recommend that CL-O1 is reverted to the original wording to focus on making contaminated land safe for human health, as opposed to focussing on risk to human health (my recommended amendments to CL-O1 are provided in **Appendices A and B**). This is supported by BP

¹ Minute 19, paragraph 5.

² Minute 19, the table included at paragraph 7.

³ Minute 19, paragraph 9.

⁴ PrimePort stated they were not interested in this matter.

Oil, et al's consultants (in both subsequent discussions and in their Hearing evidence as set out in **Appendix A**). Regarding the relationship between CL-P2 and CL-P3, I consider that there is overlap between these policies, such that CL-P3 could be deleted. However, I have not found any submission scope to make this change, noting that BP Oil et al submitted in support of both CL-P2 [196.46] and CL-P3 [196.47].⁵

- 7 The Panel also requested that I consider the wording of HS-R1 to provide greater clarity in regard to the relief sought by PrimePort. HS-R1 covers the use and/or storage of hazardous substances in a hazardous facility (excluding Major Hazard Facilities) and includes permitted standards relating to sensitive environments (including high hazard areas) and flood assessment overlays. As discussed at the Hearing, the management of hazardous substances under HS-R1 is of relevance to how activities in general at the Port (and within the PORTZ) are managed in response to natural hazards / coastal hazards, which is the subject of Hearing Stream F. The Council and PrimePort are continuing to finalise the approach to natural hazard management within the PORTZ, with the intention that HS-R1 will be addressed in the s42A report for Hearing Stream F. The wording of HS-P4(1) (in relation to Major Hazardous Facilities and natural hazards), the wording of a proposed replacement policy and the definition of "sensitive environments" in relation to natural hazards and the PORTZ will also be addressed in Hearing F.

⁵ In correspondence BP Oil, et al's consultants did not identify submission scope for this deletion.

Appendix A – Status of issues raised in evidence - post Hearing D – Contaminated Land and Hazardous Substances

Notes:

- 8 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing D. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing D.*
- 9 *Status: An asterisk (*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 10 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing D. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*
- 11 *Orange shading identifies matters still outstanding. Light orange shading identifies matters partially resolved only. Green shading identifies matters which were identified as outstanding in the Summary Statement but have since been resolved through recommendations included in this Interim Reply.*

Issue	Relevant provisions	Status	Relevant submitter	Post-Hearing Officer's Interim Reply
Whether to broaden out the contaminated land management responses to also include risks to indigenous biodiversity and the environment generally, rather than just risks to human health.	Contaminated Land Chapter objectives, policies and rules.	Resolved	PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] – evidence of Ms Seaton at paragraph 15.	N.A.
There are identified errors in the mapping of MHF on the planning maps	Planning maps and SCHED 2 - Schedule of	Resolved	Silver Fern Farms [172] – statement of Mr Tuck, at paragraph 4.	N.A.

and SCHED 2 - Schedule of Major Hazard Facilities.	Major Hazard Facilities.			
Whether there is a need to control hazardous substances at all given their control in other legislation such as HSNO and the HSW Act.	The whole Hazardous Substances Chapter.	Resolved	The Oil Companies [196] - evidence of Ms Westoby and Mr Trevilla at paragraphs 8.14 to 8.20 at paragraph 8.3.	N.A.
Clarifying the application of Quantitative Risk Assessments (QRA) for hazardous substances.	Introduction, policies and rules in the Hazardous Substances Chapter.	Resolved	The Oil Companies [196] - evidence of Ms Westoby and Mr Trevilla at paragraph 8.38.	N.A.
Whether to provide a permitted pathway for extensions / upgrades to existing MHF.	Rule HS-R2	Resolved	The Oil Companies [196] - evidence of Ms Westoby and Mr Trevilla at paragraphs 8.37 to 8.39. PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] – evidence of Ms	N.A.

			Seaton at paragraphs 41 and 42.	
The definition of “sensitive locations” clause 2(a) is incorrect as the “riparian margin” definition already includes land within 50 m of a wetland, therefore cl (2)(a) essentially extends the definition to being within 150 m of a wetland, or, 100 m of a wetland, which appears to be a contradiction that should be corrected.	Definition of “sensitive locations” (in relation to wetlands).	Resolved	The Oil Companies [196] - evidence of Ms Westoby and Mr Trevilla at paragraphs 8.14 to 8.20.	N.A.
Appropriate wording of CL-O1 in relation to risk to human health.	CL-O1	Resolved	The Oil Companies [196] - evidence of Ms Westoby and Mr Trevilla at paragraph 7.5.	While the recommended CL-O1 amendments did not require ‘no’ risk to human health as demonstrated by the implementing policies and rules, the original notified wording avoids confusion on the level of risk to manage for, and responds to the concerns raised in evidence. I therefore recommend reverting to the original wording of CL-O1. Amend CL-O1 as follows:

				<p>Contaminated land is made safe for human health and its intended use before any⁶ change of use, land <u>soil</u>⁷ disturbance, development or subdivision.</p> <p>No s32AA is required as this amendment reverts to the original notified wording which is supported by the notified s32.</p>
<p>Uncertainty regarding the meaning of “management works” and the intent of this policy which is not already addressed by CL-P2.</p>	CL-P3	Resolved	<p>The Oil Companies [196] - evidence of Ms Westoby and Mr Trevilla at paragraph 7.16.</p>	<p>This matter was raised at Hearing D. I consider that “management works” is not uncertain – these are the remediation / make safe works undertaken when the NES for soil contamination is triggered. However, I consider there is overlap between CL-P2(1) and CL-P3 in relation to “management works”. Whilst there is overlap, I note that BP Oil, et al submitted in support of both CL-P2 [196.46] and CL-P3 [196.47], and that there are no submissions which provide scope to delete or amend “management works”. It is possible that this amendment could be done under RMA clause 16(2), however BP Oil, et al’s consultants have stated that if there is no scope for this change then they can accept the retention of “management works”.</p>
<p>Whether to exclude existing municipal waste transfer stations and the Redruth landfill from the definition of “hazardous facility”;</p>	<p>Definition of “hazardous facility”.</p>	Resolved	<p>Enviro NZ [162] – statement of evidence of Kaaren Rosser dated 25 October 2024, at sections 4, 5 and 6.</p>	<p>In her evidence Ms Rosser clarified that the existing Redruth designation may not include the storage of hazardous substances for transfer off site (paragraph 5.5) and that all existing Council transfer stations are not located within Drinking Water Protection areas (paragraph 5.6). Ms Rosser further narrowed the relief sought (paragraph 5.8) to <u>existing</u> municipal waste transfer stations and Redruth landfill. I consider this helpfully reduces risk, noting that existing facilities already have existing use rights.</p> <p>I have looked up other comparable recently reviewed district plans⁸ and note that only the WPDP controls the use and storage of hazardous substances in hazardous facilities in areas subject to natural hazards.</p>

⁶ Note: this is the notified wording reinstated so this is not underlined as a change.

⁷ BP Oil, et al [196.43]

⁸ The partially operative Selwyn, Porirua and New Plymouth District Plans and the Proposed Waimakariri District Plan.

				<p>On balance, and noting the application of HSNO, I accept it is appropriate that existing municipal waste transfer stations and Redruth landfill are excluded from the definition. I therefore recommend that the definition of “Hazardous facility” is amended as follows:</p> <p>means a facility or activity that involves the use, storage or disposal of any hazardous substance, but excludes:</p> <p>[...]</p> <p>9. existing municipal waste transfer stations and Redruth landfill.⁹</p> <p><u>In terms of a s32AA, this amendment still achieves HS-O1 as the use, storage, disposal and transportation of hazardous substances is not occurring where there are unacceptable risks to the environment and human health. This exclusion increases efficiency, noting that HSNO also applies.</u></p>
<p>HS-P1(4) on natural hazards should be made its own policy because the policy direction is to avoid unacceptable risks of MHF which, by definition is not related to avoiding or minimising the adverse effects of</p>	<p>HS-P1 and proposed new Policy HS-PX.</p>	<p>Partially resolved</p>	<p>The Oil Companies [196] - evidence of Ms Westoby and Mr Trevilla at paragraphs 8.4 to 8.13.</p> <p>PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] – evidence of Ms Seaton at paragraphs 24 to 32.</p>	<p>A new policy is preferred for the reasons provided in the evidence, but the wording is still unresolved.</p> <p>As set out in Paragraph 7 of this report, this will be addressed in Hearing Stream F.</p>

⁹ EnviroNZ [162.3]

natural hazards on MHF. It would thus be clearer for plan users that these two policy directions are kept separate.				
The extent to which it is appropriate to exclude the PORTZ in relation to natural hazards, particularly high hazard.	Definition of sensitive environments, HS-P1(3), HS-P1(4) and proposed new Policy HS-PX.	Outstanding	PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] – evidence of Ms Seaton at paragraphs 16 to 32.	As set out in Paragraph 7 of this report, this will be addressed in Hearing Stream F.
Whether to exclude underground fuel storage tanks from the application of HS-R1 for the reasons provided in evidence.	HS-R1	Partially resolved	Refer evidence of Ms Westoby and Mr Trevilla [196] at paragraphs 8.21 to 8.33.	<p>I am comfortable that underground hazardous facilities will not be subject to risk in relation to flooding (including from sea water inundation) and have proposed amendments to HS-R1 accordingly as set out below and in Appendix B.</p> <p>I consider I have insufficient evidence to exclude underground fuel tanks from Fault Awareness Areas, Liquefaction Awareness Areas or Drinking Water Protection Areas at this time and note that this can be addressed in Hearing Stream F if additional submitter evidence is provided on this matter to that hearing stream.</p> <p>Amend HS-R1 as follows:</p> <p>HS-R1 Use and/or storage of hazardous substances in a hazardous facility (excluding Major Hazard Facilities)</p>

				<p>All zones Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The hazardous facility is located outside a <u>of sensitive locations environment (other than a Flood Assessment Area Overlay)</u>.¹⁰ <u>-except that hazardous facilities located underground do not need to be located outside of High Hazard Areas, or the Sea Water Inundation Overlay;</u>¹¹ and</p> <p>PER-2</p> <p><u>If located above ground The activity is and</u>¹² within a Flood Assessment Area Overlay, <u>and</u> 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.</p> <p>In terms of a s32AA, this amendment still achieves HS-O1 as the storage of hazardous substances is not occurring where there are unacceptable risks to the environment and human health - underground tanks are not at risk from flooding. This increases efficiency.</p>
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¹⁰ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

¹¹ BP Oil, et al [196.65]

¹² BP Oil, et al [196.65]

Appendix B – Recommended Amendments

Where I recommend changes in response to submissions, these are shown as follows:

Text recommended to be added to the Proposed Plan is underlined.

Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

CONTAMINATED LAND

Introduction

Contaminated land is land that has significant adverse effects on the environment or land that is reasonably likely to have significant adverse effects on the environment. The subdivision, development, or change of use of contaminated land can expose people to increased levels of contamination from hazardous substances that were previously used or stored on-site. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) provides a rule framework for managing certain activities on land affected or potentially affected by soil contaminants. The Council is responsible for administering the NESCS.

This chapter provides objective and policy direction for the assessment of any resource consent application made under the NESCS.

Responsibility for the management of environmental effects arising from contaminated land sits with the Canterbury Regional Council, e.g. leaching of contaminants to waterbodies or groundwater from land development or disturbance activities.

Objectives

CL-O1 Management of contaminated land

Contaminated land is made safe for human health and its intended use before any change of use, ~~land~~ soil¹³ disturbance, development or subdivision.

¹³ BP Oil, et al [196.43]

Policies

CL-P1 Investigation of contaminated and potentially contaminated land

Require the investigation of contaminated land or potentially contaminated land prior to any change of use, ~~land~~ soil¹⁴ disturbance, development or subdivision of land that could result in an increase in the risk to human health resulting from any contamination of the land.

CL-P2 Subdivision, use and development of contaminated land

Any proposal to subdivide, use or develop contaminated land must follow a best practice approach to:

1. manage contaminated soil to protect human health; and
2. ensure the land is suitable for its intended use.

CL-P3 Remediation and management works

Ensure that ~~the risks to human health from~~ any remediation of, or any management works undertaken on, contaminated land, do not increase risks to human health from the contamination that is present,¹⁵ and, where possible encourage the reduction of those risks.

Rules

Note: There are no rules contained in this chapter. Reference should instead be made to the rules contained in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

HAZARDOUS SUBSTANCES

Introduction

Hazardous substances include a variety of toxic substances such as chemicals, medical waste, petroleum products and gases. Hazardous substances are used throughout the District for many purposes, with their use, storage, and disposal being an integral and essential part of many

¹⁴ BP Oil, et al [196.43]

¹⁵ Road Metals [169.14] and Fulton Hogan [170.15]

commercial, industrial, rural and domestic activities. However, if not appropriately managed, their storage and use are potential threats to people and the environment.

The Hazardous Substances and New Organisms Act 1996 (HSNO) aims to protect the health and safety of people from the adverse effects of hazardous substances. The Health and Safety at Work Act 2015 (HSW) aims to protect people against harm to their health, safety and welfare caused by risks arising from work. These Acts provide the general framework for controlling hazardous substances during their life cycle. However, they do not take into account the sensitivity of the environment in which hazardous substances are located, or other relevant resource management issues.

Accordingly, the District Plan addresses the following resource management matters concerning hazardous substances:

1. potential adverse effects on sensitive activities and sensitive locations ~~environments~~;¹⁶
2. reverse sensitivity effects caused by sensitive activities locating too close to hazardous facilities;
3. the risks to hazardous facilities from natural hazards and consequential risks to the environment;
4. cumulative effects of major hazard facilities locating too close each other.

The adverse effects associated with these resource management issues generally have a low probability of occurring but a high potential impact if they do occur. As such and as the need to comply with the HSNO and HSW Acts significantly reduces most risks associated with hazardous substances, this chapter focuses on higher risk facilities, being hazardous facilities and major hazard facilities. Major Hazard Facilities are identified through the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.

Proposals for new Major Hazard Facilities (and additions to Major Hazard Facilities), will require a Quantitative Risk Assessment to be provided which is prepared by a suitably qualified and experienced practitioner person.¹⁷ This assessment will help quantify the extent and nature of the risk. ~~Unacceptable risks to human health are defined as an individual human fatality not greater than 1×10^{-6} per year (one in a million). Where a Quantitative Risk Assessment has been prepared, sensitive activities are required to located outside of the $(1 \times 10^{-6}$ per year) risk area, or if no such assessment exists, at least 250m away from the Major Hazard Facilities.~~¹⁸

Objectives

¹⁶ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

¹⁷ RMA Clause 16(2)

¹⁸ Timaru Oil Services [155.1] and Fonterra [165.53]

HS-O1 Hazardous substances, use, storage and disposal

1. The risks associated with the use, storage, and disposal and transportation of hazardous substances are managed; and¹⁹

2. For Major Hazardous Facilities, ~~occurs where~~ unacceptable risks to the environment and human health are avoided.²⁰

HS-O2 Sensitive activities

New or expanded sensitive activities are designed and located to minimise ~~reverse~~ reverse sensitivity effects on major hazard facilities and to avoid unacceptable risks to the sensitive activity.²¹

Policies

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 there is no unacceptable risk ~~the risk of an individual human fatality is not greater than 1×10^{-6} per year (one in a million), including cumulative effects;~~²² and
2. ensuring Major Hazard Facilities do not cause unacceptable cumulative effects by locating too close to each other; and
3. locating new²³ Major Hazard Facilities outside of sensitive locations ~~environments~~²⁴, 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~~²⁵ Major Hazard Facilities; and
 - b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event.

HS-P2 Repair and maintenance of existing Major Hazard Facilities

¹⁹ BP Oil, et al [196.58]

²⁰ HS-O1 has been restructured for clarity under clause 16(2)

²¹ BP Oil, et al [196.59]

²² Timaru Oil Services [155.1]

²³ BP Oil, et al [196.60]

²⁴ BP Oil, et al [196.64], PrimePort [175.32] and TDH [186.17]

²⁵ Clause RMA 16(2) as this policy is not about hazardous facilities

Enable the repair and maintenance of existing Major Hazard Facilities.

HS-P3 Sensitive activities in proximity to Major Hazard Facilities

Require sensitive activities to be sufficiently separated from Major Hazard Facilities to minimise reverse sensitivity effects on the Major Hazard Facility and to avoid unacceptable risks to the sensitive activity.

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 location environment (except for a Flood Assessment Area);²⁶
 - b. If ~~the~~ the facility is located within a Flood Assessment Area, where the flood hazard can be mitigated;²⁷ and
2. Only allow hazardous facilities (other than Major Hazard Facilities) in sensitive locations environments where the risks to the sensitive environments can be avoided in the first instance, or where avoidance is not possible, minimised.²⁸

Rules

Note: Activities not listed in the rules of this chapter are classified as permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

HS-R1	Use and/or storage of hazardous substances in a hazardous facility (excluding Major Hazard Facilities)	
All zones	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary

²⁶ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

²⁷ RMA Clause 16(2)

²⁸ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

	<p>Where:</p> <p>PER-1</p> <p>The hazardous facility is located outside a <u>of sensitive locations environment (other than a Flood Assessment Area Overlay),²⁹ except that hazardous facilities located underground do not need to be located outside of High Hazard Areas, or the Sea Water Inundation Overlay;³⁰ and</u></p> <p>PER-2</p> <p><u>If located above ground</u> The activity is and³¹ 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.</p>	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 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 2. The extent to which hazardous substances can be safely contained to minimise effects from natural hazards. 3. Potential effects on land use activities in the surrounding area; and 4. The potential effects on natural ecosystems, sensitive <u>locations environments³²</u> and life-supporting capacity of land and water from escape or spillage; and 5. Potential risk and effects on SASM <u>within the sensitive locations;³³</u> 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; and³⁴ 8. Potential for cumulative effects of other activities where hazardous substances are stored, used or disposed of.
<p>HS-R2</p>	<p><u>Maintenance and, repair, upgrades, additions and alterations of Major Hazard Facilities</u></p>	

²⁹ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

³⁰ BP Oil, et al [196.65]

³¹ BP Oil, et al [196.65]

³² BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

³³ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

³⁴ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

All Zones	<p>Activity status: Permitted</p> <p><u>Where:</u></p> <p><u>PER-1:</u></p> <p><u>The activity does not increase the risk profile of the Major Hazard Facility as stated in a Quantitative Risk Assessment prepared by a suitably qualified and experienced practitioner; and</u></p> <p><u>PER-2</u></p> <p><u>The volume of total hazardous substances manufactured, used, stored, or disposed of at the Major Hazard Facility does not increase by more than 10 %.</u>³⁵</p>	<p>Activity status when compliance not achieved: Not applicable <u>Discretionary</u></p>
HS-R3	<p>Sensitive activity, including subdivision to create a new allotment to accommodate future sensitive activity, in proximity to a Major Hazard Facility</p>	
All Zones	<p>Activity status: Permitted</p> <p>Where</p> <p>PER-1</p> <p>Where a Quantitative Risk Assessment has been prepared by a suitably qualified and <u>experienced practitioner person</u>³⁶ for a Major Hazard Facility and provided to Timaru District Council and the sensitive activity is located outside any area of unacceptable risk; or</p>	<p>Activity status where compliance not achieved: Non-Complying</p>

³⁵ Silver Fern Farms [172.43], Alliance Group [173.40], Southern Proteins [140.11] and BP Oil, et al [196.66]

³⁶ RMA Clause 16(2)

	<p>PER-2</p> <p>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.</p>	
HS-R4	New Major Hazard Facilities and additions to Major Hazard Facilities³⁷	
All Zones	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable

Amend the definition of definition of “Hazardous Facilities” as follows:

means a facility or activity that involves the use, storage or disposal of any hazardous substance, but excludes:

1. the incidental use and storage of hazardous substances in minimal domestic scale quantities;
2. retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies);
3. the incidental storage and use of agrichemicals, fertilisers and fuel for land based primary production activities and the incidental storage of agrichemicals, fertilisers and fuel for land based primary production activities which are not located in a Drinking Water Protection Overlay³⁸;
4. pipelines used for the transfer of hazardous substances such gas, oil, trade waste and sewage;
5. fuel in motor vehicles, boats, airplanes and small engines;
6. the use, transportation, or storage of any hazardous substance for any temporary military training activity;
7. the transportation of hazardous substances (e.g. in trucks or trains); or

³⁷ Southern Proteins [140.12] and BP Oil, et al [196.68]

³⁸ Timaru District Council [42.5]

8. mixing and application of hazardous substances solely for the purpose of controlling plant and animal pests on site.
9. emergency services facilities and emergency management activities.³⁹
10. existing municipal waste transfer stations and Redruth landfill.⁴⁰

Amend the definition of “Unacceptable Risk [in relation to hazardous substances]” as follows:

In relation to major hazard facilities, means exposure of sensitive activities (including residential dwelling) to an individual fatality risk level exceeding 1×10^{-6} per year (one in a million).⁴¹

Add a new definition for “Sensitive Locations” as follows:⁴²

Sensitive Locations means:

1. Areas within the following Overlays identified on the Planning map, but excluding the PORTZ:

- a. An Earthquake Fault Awareness Overlay; and
- b. A High Hazard Area Overlay; and
- c. The Sea Water Inundation Overlay; and
- d. The Coastal Erosion Overlay; and
- e. A Drinking Water Protection Area; and
- f. The area within 250m of an MHF; and
- g. Liquefaction Awareness Areas; and

2. the below areas:

- a. The area within 100m from the edge of a Riparian Margin (excluding the Riparian Margin of a wetland) or within 50m from the edge of a wetland; and
- b. High Hazard Areas identified in a Flood Certificate issued under NH-S1.

³⁹ FENZ [131.2]

⁴⁰ EnviroNZ [162.3]

⁴¹ Bruce Speirs [66.9]

⁴² PrimePort [175.32] and TDH [186.17]

Amend the Planning Maps to delete all 'SHF' and show only the following MHF:⁴³



⁴³ TDC [42.74]

