IN THE MATTER AND IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further Submissions on the Proposed Gore District Plan

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Gore District Plan - Decisions on Submissions

Topic 33: Hazardous Substances

Hearings Panel Members

Keith Hovell

Glenys Dickson

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Date of Hearing
14 October 2024

Index

Page

1. Introduction

1.1 Scope of this Decision 1
1.2 Abbreviations 1
1.3 Statutory Considerations 2
1.4 Procedural Matters 2

2. The Hearings

2.1 Hazardous Substances Chapter 2
2.2 Other Relevant Hearings 3

3. Interpretation

3.1 Sensitive Environments 3
3.2 Significant Hazardous Facility 4

4. Hazardous Substances Provisions

4.1 General Submissions 5
4.2 Standalone Submissions in Support 5
4.3 Objective HAZS-O1 6
4.4 Policy HAZS-P1 7
4.5 Policy HAZS-P2 9
4.6 Policy HAZS-P3 10
4.7 Rule HAZS-R2 10
4.8 Additional Rule Sought 10
4.9 Notes 10

Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel on the submissions and evidence considered in relation to the Hazardous Substances chapter of the Proposed Gore District Plan (PDP). The Hearings Commissioners comprising the Panel for this hearing were Commissioners Cliff Bolger, Keith Hovell and Glenys Dickson.

1.1.2 This Decision focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, the Panel has adopted the recommendations, and the underlying evaluation contained in the s42A Report prepared by Victoria Woodbridge.

1.1.3 Attached is the updated provisions for the Hazardous Substances chapter, referencing changes authorised by this and other Decisions of the Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

1.1.4 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.1.5 Attention is also drawn to Decision 2, Whole of Plan and Repeated Submissions that responds to submissions lodged to the District Plan as a whole, together with those lodged to multiple zones and/or chapters in the PDP. In some cases, these submissions may result in amendments to this chapter as well. Any such changes are annotated as a footnote in the updated provisions.

1.2 Abbreviations

1.2.1 In preparing this decision we have used the following abbreviations:

Full Text	Abbreviation
Alliance Group Ltd	Alliance
Clause 16(2) of the First Schedule of the RMA	cl 16(2)
Department of Conservation	DoC
Fire and Emergency NZ	FENZ
Gore District Plan	Plan
Hazardous Substances	HAZS
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Mercury NZ Ltd	Mercury
NZ Transport Agency Waka Kotahi	NZTA
Proposed Gore District Plan	Proposed Plan or PDP
Report prepared under section 42A of the RMA	s42A Report
Resource Management Act 1991	RMA
RMA section	s
Southland Federated Farmers NZ	Federated Farmers

1.3 Statutory Considerations

1.3.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan, as well as case law referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1.

1.3.2 In s42A reports to the Panel, the authors are required to consider any alternative provisions put forward in the context of s32, and when changes are recommended, a further assessment under s32AA is provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to make changes to the Plan in response to submissions which materially depart from the notified version.

1.3.3 Through Minute 5, the Panel requested submitters seeking changes to District Plan provisions to have regard to the s32 provisions and provide material to the Panel that would facilitate any additional s32AA assessment required if it was of a mind to accept the changes they sought.

1.3.4 Where the Panel has made amendments to the Proposed Plan that are consistent with the recommendations contained within the s42A Reports and associated evidence the Panel has adopted the s32AA analysis contained within those reports and evidence, unless expressly stated otherwise. Those reports are part of the public record and are available on the Council's website.

1.3.5 Where the Panel has made amendments to the Proposed Plan that are not contained within the s42A Report, or which were not subject to a s32AA assessment provided by submitters, the Panel has undertaken the required s32AA analysis and has incorporated it into the body of the decision, with the required assessment forming part of the evaluation. The Panel is satisfied that the required substantive assessment has been undertaken where required.

1.4 Procedural matters

1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to the Urban Form and Development chapter.

1.4.2 None of the Panel members identified any conflicts of interest.

1.4.3 No procedural matters were raised at the hearing.

1.4.4 No matters of trade competition were raised.

2 The Hearings

2.1 Hazardous Substances Chapter

2.1.1 The hearing in relation to the Hazardous Substances Chapter was held on 14 October 2024 at the Gore District Council administration building, in Gore. Submissions with regard to the Hazardous Substances chapter were heard together with the Contaminated Land, Subdivision, Noise and Public Access.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Victoria Woodbridge that considered all submissions lodged to the Hazardous Substances chapter and relevant definitions.

2.1.3 At the commencement of the hearing, the Panel received supplementary evidence from Victoria Woodbridge responding to matters raised in the evidence and additional information received by the Panel. The Panel sought clarification from her regarding matters contained in her s42A Report and supplementary evidence at various times during the hearing.

2.1.4 Submitters who appeared at the hearing are shown in Table 1.

Table 1: Hearing HS5 Temporary Activities – Submitters Attending the Hearing			
No.	**Submitter**	**Attendees**	**Nature of Evidence**
S126	Southland Federated Farmers	Rachel Thomas	Video Link

2.1.5 Submitters who submitted further information for the Panel to consider were:

- Silver Fern Farms (S40)
- Fuel Companies (S16)
- Alliance Group Ltd (S121)

.2.2 Other Relevant Hearings

2.2.1 Decision 2 lists the submissions lodged to the Whole of the Plan. Submission S139.040 Hokonui Rūnanga Inc raises issues relevant to this decision and in that regard, relevant evidence was received by the Panel during the hearings to consider submissions to the Mana Whenua and Sites of Significance to Māori chapters from:

- Courtney Bennett for the Gore District Council
- Amy Beran for Hokonui Rūnanga

2.2.2 Plan provisions applying within areas subject to inundation were considered in the context of the HS11 Natural Hazards. This included further consideration of some of the provisions of the Hazardous Substances chapter, with both the s42A Report prepared by Brett Osborne and evidence of Doyle Richardson on behalf of Alliance being relevant to this decision.

2.3 All written material received by the Panel is available on the Council's web site.

3 Interpretation

3.1 Sensitive Environments

Submitter (S) **Further Submitter (FS)**	**Decision Requested**
S130.007 Mercury NZ Ltd	Amend definition sensitive environments: Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area ~~or Areas of Indigenous Biodiversity.~~ Not clear what an "area" is, or how it is defined.
FS31.006 Department of Conservation	*Disallow S130.007 Mercury NZ Ltd. Retain the definition as notified but for clarity could add that the definition is in relation to hazardous substances such as: "For the purpose of the hazardous substances provisions, Means land identified with:..."*
FS30.051 Transpower NZ Ltd *FS24.004 Contact Energy Ltd*	*Allow S130.007 Mercury NZ Ltd*
S95.008 PowerNet Ltd	Amend definition sensitive environments as follows: Means land identified with: Outstanding Natural Features ~~and Landscapes~~ or Significant Natural Areas ~~or Areas of Indigenous Biodiversity~~
FS31.008 Department of Conservation	*Disallow S95.008*

3.1.1 Victoria Woodbridge at paragraphs 79 – 82 of her s42A Report agreed with Mercury and PowerNet to the extent that it is not clear what are "areas" in the context of "Areas of Indigenous Biodiversity". She did explain that the term was being used as a collective reference to the individual areas, landscapes, and features which relate to s6 matters covered in the Ecosystem and Indigenous Biodiversity (ECO) chapter and Natural Features and Landscapes (NFL) chapter. The only evidence presented by submitters was from Transpower and that expressed the same sentiment.

3.1.2 The Panel supports the concept of a collective term given that it is used eight times in this chapter and while the intent is clear the Panel accepts that the wording used is uncertain. Given the term is not used anywhere else in the Plan, the Panel supports the suggestion of DoC to limit the use of the term solely to this chapter and revise the definition to reflect the matters in Decision 45 Ecosystems and Indigenous Biodiversity.

3.1.3 In considering this matter, the Panel gave consideration to widening the definition to also refer to areas of actual or potential inundation shown on the Planning Maps. There was however no submission seeking that outcome.

3.1.4 Submissions S130.007 Mercury NZ Ltd and S95.008 PowerNet Ltd are accepted in part by amending the definition of Sensitive Environments as follows:

For the purpose of the hazardous substances provisions, means land identified on the Planning Maps as Outstanding Natural Features and Landscapes, ~~or~~ Significant Natural Area, Significant Indigenous Vegetation Area, Indigenous Vegetation Area or Indicative Indigenous Vegetation Area. ~~Areas of Indigenous Biodiversity.~~

3.2 Significant Hazardous Facility

Submitter (S)	Decision Requested
S16.029 Fuel Companies	Retain definition significant hazardous facility as notified
S40.014 Silver Fern Farms S121.016 Alliance Group Ltd	Amend significant hazardous facility as follows: j. ~~Freezing works~~ Meat processing and rendering plants.

3.2.1 The submission in support from the Fuel Companies is acknowledged. As changes have been made to the definition this submission is accepted in part.

3.2.2 Victoria Woodbridge acknowledged at paragraph 101 of her s42A Report "freezing works" is not an appropriate term to use and recommends acceptance of the submissions by Alliance and Silver Fern Farms. The Panel agrees.

3.2.3 Submissions S121.016 Alliance Group Ltd and S40.014 Silver Fern Farms are accepted by amending the definition of Hazardous Facility as follows:

(j). ~~Freezing works~~ Meat processing and rendering plants.

Submitter (S)	Decision Requested
S124.008 Fire and Emergency NZ	Amend definition significant hazardous facility as follows: (g) Emergency management is not a significant hazardous facility.

3.2.4 The Panel agrees with the description given by Victoria Woodbridge at paragraphs 103 – 108 of her s42A Report where she outlined that in her view the storage of fire retardant and foam of larger than normal quantities would actually trigger the definition and that the storage of the substance would be managed under Hazardous Substances and New Organisms Act (HSNO) legislation, rather than the PDP. She also referred to the provisions of RMA s330 that allows for emergency situations and noted that accepting the submission would necessitate the inclusion of a definition of "emergency management" and that could be problematic.

3.2.5 No additional material was provided to the Panel to consider from FENZ. Accordingly, submission S124.008 Fire and Emergency NZ is rejected.

4 Hazardous Substances Provisions

4.1 General Submissions

Submitter (S)	Decision Requested
S140.010 Robina Johnston	Consideration of the safe storage of hazardous products, reporting, the risk to people and the community, and emergency services.

4.1.1 The Panel accepts the advice of Victoria Woodbridge at paragraph 115 of her s42A Report that the issues of concern to Robina Johnston are generally controlled by HSNO and the Health and Safety at Work (Hazardous Substances) Regulations (HSW), and that following the 2017 RMA amendment, legislation removed the requirement under s31 for territorial authorities to control land uses in relation to hazardous substances, instead focusing only on resource management related effects which are not dealt with through other legislation, such as effects on sensitive environments and sensitive activities. Accordingly, submission 140.010 Robina Johnston is rejected.

Submitter (S)	Decision Requested
S146.030 Southland District Council	Include other hazardous areas, such as areas prone to liquefaction, and provisions enabling a licensing and monitoring regime for hazardous substance storage may be of use for mitigating risk
FS27.011 Alliance Group Ltd FS29.036 Silver Fern Farms Ltd	Disallow S146.030 Southland District Council in part Hazardous substances are already appropriately managed under separate (non-RMA) hazardous substances regulations. Provisions related to other natural hazards are addressed in the Natural Hazards chapter of the PDP

4.1.2 In Decision 44 Natural Hazards, a provision has been included in Policies NH-P4 and NH-P5 to "require hazardous substance storage to be resilient to inundation". No reference is made to areas of liquefaction because there are no relevant rules in the Plan. Rather, the PDP was drafted on the premise that the Building Act provides adequate consideration of the different degrees of liquefaction areas present in the District. Given that hazardous facilities require resource consent then regard can be given to natural hazards as part of any approval sought.

4.1.3 As noted by the further submitters and reinforced by Victoria Woodbridge at paragraph 121 of her s42A Report, other legislation adequately manages the storage of hazardous substances, and it is not appropriate to duplicate this requirement within the Plan. The RMA no longer includes, in s31, a requirement for territorial authorities to manage hazardous substances given these are controlled by HSNO and Health and Safety at Work Act 2015.

4.1.4 Having regard to these matters, no action can be taken in response to the submission. Therefore, Submission S146.030 Southland District Council is rejected.

4.2 Standalone Submissions in Support

Submitter (S)	Decision Requested
S121.007 Alliance Group Ltd S40.005 Silver Fern Farms S124.005 Fire and Emergency NZ	Retain Interpretation: hazardous substance as notified
S121.029 Alliance Group Ltd S40.019 Silver Fern Farms S126.064 Southland Federated Farmers of New Zealand	Adopt Overview as drafted.

S115.065 Kevin Robertson S143.076 Rural Ratepayers Group S148.077 Alistair & Bernadette Hunt S60.067 Ronald Crispin S68.185 John Baynes	
S121.031 Alliance Group Ltd S125.014 Ministry of Education S16.037 Fuel Companies S40.021 Silver Fern Farms	Retain HAZS-O2 as notified
S121.034 Alliance Group Ltd S125.016 Ministry of Education S16.038 Fuel Companies S40.025 Silver Fern Farms	Retain HAZS-P4 as notified
S121.035 Alliance Group Ltd S40.026 Silver Fern Farms	Retain HAZS-R1 as notified
S121.037 Alliance Group Ltd S16.039 Fuel Companies S40.028 Silver Fern Farms	Retain HAZS-R3 as notified

4.2.1 These submissions all support various parts of the Hazardous Substances chapter. There are no submissions opposing or seeking changes to these provisions. Accordingly, these submissions are all accepted.

4.3 Objective HAZS-O1

Submitter (S) Further Submitter (FS)	Decision Requested
S121.030 Alliance Group Ltd S40.020 Silver Fern Farms	Retain as notified
S85.099 Environment Southland	Alignment required with Southland Regional Policy Statement
S110.022 Royal Forest and Bird Society of NZ Inc	Change: Locate, design and operate significant hazardous facilities to prevent ~~significant~~ adverse effects on the health of people, the ~~values of sensitive~~ environments and the underlying relationship Ngāi Tahu hold with the natural environment.
FS5.31 Hamish Weir	*Disallow S110.022 Royal Forest and Bird Society of NZ Inc*

4.3.1 The submissions in support from Alliance and Silver Fern Farms are acknowledged. As changes have been made to the objective these submissions are accepted in part.

4.3.2 The Panel accepts the advice of Victoria Woodbridge at paragraph 147 of her s42A Report that the RPS is now out of date in respect of the management of hazardous substances given it has not itself given effect to the 2017 RMA amendments. Having regard to this advice, the Panel concludes the PDP provisions reflect the current RMA requirements, and no change is required. Accordingly, submission S85.099 Environment Southland is rejected.

4.3.3 The Panel also accepts the advice of Victoria Woodbridge at paragraphs 148 - 152 of her s42A Report where she stated that in the context of "significant hazardous facilities" referring to "significant adverse effects" and "sensitive environments" is appropriate. No additional material was provided to the Panel to consider at the hearing by Forest and Bird. Accordingly, submission S110.022 Royal Forest and Bird Society of NZ Inc is rejected.

Submitter (S)	Decision Requested
S139.052 Hokonui Rūnanga Inc	Amend HAZS-O1 to read~~Locate, design and operate~~ significant hazardous facilities <u>are designed and located</u> to prevent significant adverse effects on the health of people, the values of sensitive environments and ~~the underlying relationship Ngāi Tahu hold with the natural environment.~~ <u>the mauri of whenua and wai, wāhi tapu, access to and use of mahinga kai, and other values associated with the natural environment.</u>

4.3.4 Victoria Woodbridge at paragraph 142 of her s42A Report was uncertain as to the appropriate outcome in response to this submission, referring to evidence from Courtney Bennett at the Mana Whenua chapter hearing where she recommended referring to section MW2.3 as notified when reference was made to Ngāi Tahu Cultural values in rules. Victoria Woodbridge sought feedback from Hokonui Rūnanga as to the suitability of that reference in this case.

4.3.5 Hokonui Runanga did not provide any additional information for the Panel to consider at the hearing and the Joint Statement from Courtney Bennett and Amy Beran was silent on this matter. Courtney Bennett in her final evidence to HS12 recommended wording referring to MW2.3, now MW1.2.

4.3.6 As set out in Decision 43 Sites and Areas of Significance to Māori the Panel favours use of a standard phrase that links to MW1.2, so as to provide clarity as to the matters to be considered. The relief sought by Hokonui Rūnanga with regard to Objective HAZS-O1 in referring to "other values" does not achieve that outcome. As a consequence, the decision below adopts the standard wording preferred by the Panel.

4.3.7 Submission S139.052 Hokonui Rūnanga Inc is accepted in part by amending Objective HAZS-O1 as follows:

Locate, design and operate *significant hazardous facilities* to prevent significant adverse *effects* on the health of people, the values of *sensitive environments* and ~~the underlying relationship Ngāi Tahu hold with the natural environment~~ impacts on Ngāi Tahu cultural values listed in MW-1.2.

4.4 Policy HAZS-P1

Submitter (S)	Decision Requested
S146.028 Southland District Council	Include other hazardous areas, such as areas prone to liquefaction. A provision enabling a licensing and monitoring regime for hazardous substance storage may be of use for mitigating risk.

4.4.1 This is the same issue as dealt with in paragraphs 4.1.2 – 4.1.4 above, and for the same reasons submission S146.028 Southland District Council is rejected.

Submitter (S)	Decision Requested
S110.023 Royal Forest and Bird Society of NZ Inc	Amend: Manage adverse effects from new significant hazardous facilities locat~~ing~~ed in the General Industrial Zone and Rural Industry Precinct by: 1. locating significant hazardous facilities outside of, and setback from, water bodies**,** sensitive environments and avoiding adverse effects on Ngāi Tahu cultural values;
S121.032 Alliance Group Ltd	Amend as follows: 2. locating significant hazardous facilities outside of, and setback from, sensitive environments and avoiding significant adverse effects on Ngāi Tahu cultural values; 3. locating significant hazardous facilities outside the Mataura River Floodway and all mapped district inundation areas not protected by the mapped Stop Bank Flood Protection Area to avoid the effects of natural hazards and protect the environment; and
S40.022 Silver Fern Farms	Amend as follows: Manage adverse effects from new significant hazardous facilities locating in the General Industrial Zone or~~and~~ Rural Industry Precinct by: 2. locating significant hazardous facilities outside of, and setback from, sensitive environments and avoiding or mitigating adverse effects on Ngāi Tahu cultural values;

	3. locating <u>new</u> significant hazardous facilities outside the Mataura River Floodway and all mapped district inundation areas to avoid the effects of natural hazards and protect the environment; and

4.4.2 The s42A Report at paragraphs 162 – 174 focused on the practicality of implementing the policy, given that the majority of land where industrial activities were enabled was subject to inundation to some degree, and the reference to avoidance of adverse effects was potentially problematic. Limited changes were therefore recommended to the policy. Alliance and Silver Fern Farms were supportive of this approach, although Alliance indicated it wished to consider the matter further at the Natural Hazards hearing.

4.4.3 Victoria Woodbridge at paragraph 162 of her s42A Report did not recommend amending "locating" to "located" as sought by Forest and Bird. In her view that would narrow the policy to just existing significant hazardous facilities and exclude any new facilities. The Panel agrees.

4.4.4 Brett Osbourne in his s42A Report to the Natural Hazards hearing highlighted greater clarity was required in the policy and recommended splitting clause (3) in two. Doyle Richardson on behalf of Alliance supported this approach stating:

> Reporting Officer acknowledges virtually all the land in the General Industrial Zone is located within a flood hazard overlay and therefore it is difficult to locate significant hazardous facilities in the GIZ and outside a mapped inundation area. Recommended removal of requirements to locate new significant hazardous facilities outside all mapped inundation areas and insert new clause to provide consideration for significant hazardous facilities within General Industrial Zone and Rural Industry Precinct on an effect based approach rather than simply avoidance.

4.4.5 Given the level of agreement between the submitters the Panel generally adopts the policy as recommended at the Natural Hazards hearing. As "new" is referred to in the policy chapeaux it is not required in the individual clauses that follow.

4.4.6 Courtney Bennett in her evidence to HS12 also recommended referring to the values in MW-2.3 in a manner that is consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori. The Panel accepts this part of her recommendation but for consistency with a multitude of other Plan provisions has not included reference to "impacts" in favour of "effects". While being only of minor effect it has not been raised in any submission nor discussed at any of the hearings.

4.4.7 Submissions S110.023 Royal Forest and Bird Society of NZ Inc, S121.032 Alliance Group Ltd and S40.022 Silver Fern Farms are accepted in part by amending policy HAZS-P1 as follows:

Manage adverse *effects* from new *significant hazardous facilities* locating in the General Industrial Zone ~~and~~<u>or</u> Rural Industry Precinct by:

1. internalising *effects* through *site* layout and design, including the use of buffers;
2. locating *significant hazardous facilities* outside of, and *setback* from <u>any *waterbody* or *sensitive environments*</u> and avoiding <u>or mitigating</u> adverse *effects* on Ngāi Tahu cultural values <u>listed in MW-1.2</u>*;*
3. locating *significant hazardous facilities* outside the Mataura River Floodway ~~and all mapped district inundation areas to avoid the *effects* of *natural hazards* and protect the environment~~; ~~and~~
4. <u>locating and designing new significant hazardous facilities to manage or avoid the risks and adverse effects from natural hazards within areas subject to a high risk of liquefaction</u>

or areas subject to Actual and Potential Inundation, including the Stop Bank Protection Area; and

45. managing cumulative *effects* of multiple separate *significant hazardous facilities* locating in close proximity.

4.5 Policy HAZS-P2

Submitter (S)	Decision Requested
S16.040 Fuel Companies	Retain HAZS-P2 as notified
S125.015 Ministry of Education	Amend HAZS-P2 as follows: 2. locating significant hazardous facilities outside of, and setback from, sensitive environments and sensitive activities and
FS27.012 Alliance Group Ltd FS29.037 Silver Fern Farms Ltd	Disallow S125.015 in part. If sensitive activities are to be included, the definition of sensitive environment need to be amended to exclude "seasonal workers accommodation".
S110.024 Royal Forest and Bird Society of NZ Inc	Amend HAZS-P2: 2. locating significant hazardous facilities outside of, and setback from, water bodies and sensitive environments and
S121.033 Alliance Group Ltd S40.023 Silver Fern Farms	Amend HAZS-P2 as follows: Avoid adverse effects from new significant hazardous facilities locating outside the General Industrial Zone or Rural Industry Precinct by: (...)

4.5.1 The submission in support from the Fuel Companies is acknowledged. As changes have been made to the policy submission S16.040 Fuel Companies is accepted in part.

4.5.2 The Panel accepts the recommended additions to the policy in response to the submissions by Ministry of Education, Forest and Bird, Alliance and Silver Fern Farms for the reasons given in the s42A Report.

4.5.3 Courtney Bennett in her evidence to HS12 also recommended referring to the values in MW-2.3 in a manner that is consistent with the Panel's Decision 43 Sites and Areas of Significance to Māori. The Panel accepts this part of her recommendation but for consistency with a multitude of other Plan provisions has not included reference to "impacts" in favour of "effects".

4.5.4 Submissions S125.015 Ministry of Education, S110.024 Royal Forest and Bird Society of NZ Inc, S121.033 Alliance Group Ltd and S40.023 Silver Fern Farms are accepted by amending Policy HASZ-P2 as follows:

Avoid adverse *effects* from new *significant hazardous facilities* locating outside the General Industrial Zone or Rural Industry Precinct by:

1. internalising *effects* through *site* layout and design, including the use of buffers;
2. locating *significant hazardous facilities* outside of, and *setback* from, any *waterbody* or *sensitive environments* and *sensitive activities*;
3. addressing adverse *effects on* Ngāi Tahu cultural values listed in MW-1.2*;*
4. locating *significant hazardous facilities* outside the Mataura River Floodway and all mapped district inundation areas; and
5. managing cumulative *effects* of multiple separate *significant hazardous facilities* locating in close proximity.

Submitter (S)	Decision Requested
S146.029 Southland District Council	Include in HAZS-P2 other hazardous areas, such as areas prone to liquefaction. A provision enabling a licensing and monitoring regime for hazardous substance storage may be of use for mitigating risk.

4.5.5 This is the same issue as dealt with in paragraphs 4.1.2 – 4.1.4 above, and for the same reasons submission S146.029 Southland District Council is rejected.

4.6 Policy HAZS-P3

Submitter (S)	Decision Requested
S40.024 Silver Fern Farms	Retain as notified
S121.109 Alliance Group Ltd	Amend to provide policy guidance for extensions to significant hazardous facilities that do potentially increase risk.

4.6.1 The Panel agrees with Victoria Woodbridge at paragraph 197 of her s42A Report in response to Alliance where she stated the policy already provides sufficient guidance for decision makers in respect extensions to facilities where compliance with the permitted activity standard is not achieved. Accordingly, submission S121.109 Alliance Group Ltd is rejected. The Panel notes acceptance by Alliance to this outcome.

4.6.1 The submission in support of the policy from Silver Fern Farms is acknowledged and accepted as the provision is being retained as notified.

4.7 Rule HAZS-R2

Submitter (S)	Decision Requested
S121.036 Alliance Group Ltd S40.027 Silver Fern Farms	Retain as notified
S124.020 Fire and Emergency NZ	Amend as follows: Exclude Emergency management from these facilities.

4.7.1 The submissions in support of the rule are acknowledged and accepted, as no change has been made to the provision.

4.7.2 The Panel agrees with Victoria Woodbridge at paragraph 209 of her s42A Report in response to the submission from FENZ where she stated the scope of emergency management is not clear, and it is unlikely that a FENZ emergency management response would be captured by the rule. She also referred to other provisions in the PDP relating to temporary activities and within the RMA relating to emergency works (s330). FENZ did not provide any additional information for the Panel to consider, accordingly, submission S124.020 Fire and Emergency NZ is rejected.

4.8 Additional Rule Sought

Submitter (S) Further Submitter (FS)	Decision Requested
S85.098 Environment Southland	Add a Hazardous Substances Quantity Limits appendix, similar to other District Plans.
FS12.001 Fuel Companies	*Disallow S85.098 Environment Southland as it is inefficient and ineffective for the District Plan to have controls that duplicate the Hazardous Substances and New Organisms and the Health and Safety at Work acts.*

4.8.1 The Panel agrees with Victoria Woodbridge at paragraph 129 of her s42A Report in response to the submission from Environment Southland, and with the further submitters, that the approach adopted in the PDP is consistent with the RMA provisions post the 2017 Amendments.

4.8.2 No additional material was provided by Environment Southland to the Panel to consider at the hearing. Accordingly, submission S85.098 Environment Southland is rejected.

4.9 Notes

4.9.1 The Panel has considered Note 1 to this chapter as part of decision to remove unnecessary duplication within the Plan and determined that it can be deleted because

reliance can be placed on the introductory sections of the Plan. This change is made as an amendment under Clause 16(2) of the First Schedule.