

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's Preliminary Response to written questions on
Hazardous Substances on behalf of Waimakariri District Council**

Date: 25 July 2023

INTRODUCTION:

1 My full name is Jessica Anneka Manhira. I am employed as a Policy Planner for Waimakariri District Council.

2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42A report.

3 In preparing these responses, I note that I have not had the benefit of hearing evidence presented to the panel at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.

4 I also note that given the timing of these questions, my preliminary responses in some instances have not been informed by consideration of evidence or legal submissions lodged with the Council following the issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answers below.

5 Following the conclusion of this hearing, a final right of reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.

6 The format of these responses in the table below follows the format of the questions from the Panel.

7 I am authorised to provide this evidence on behalf of the District Council.

Date: 25/07/2023



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HS – Hazardous Substances

Paragraph or Plan reference	Question
Para 65	Should the reference to ‘people’ also be deleted (via cl 16) given they are also part of the environment?
<p>‘People’ could be deleted because the definition of ‘environment’ contained in the RMA includes people. However, people is helpful direction in HS-O1 and HS-P1 because hazardous substances can pose potential risks for the health and safety of people so my preference is to retain ‘people’.</p>	
Para 69	Please explain/describe the ‘threshold’ referred to in the regulations
<p>The thresholds are contained in the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 Schedule 2 and it depends on the substance. These are, for example, 2500 tonnes of gasoline, or 50 tonnes of LPG to meet the threshold to be classified as a major hazard facility.</p>	
Para 70	Please explain/describe the ‘residual risk’ referred to.
<p>Residual risk is the remaining risk that is not specifically controlled by other legislation such as the Hazardous Substances and New Organisms Act 1996, and the Health and Safety at Work Act 2015. This includes matters such as the storage of hazardous substances in areas prone to natural hazards, any cumulative effects, reverse sensitivity effects, and effects relating to the location of activities.</p>	
Section 3.3	Please reconsider whether the amendment recommended to HS-P3 is consistent with the recommendations in the Natural Hazards s42A report.
<p>I acknowledge that the Natural Hazards s42A report author made a late change, based on ECan advice, to recommend deletion of the High Coastal Flood Hazard Area definition and it be replaced by the term High Hazard Area, as outlined in ECan’s evidence¹. Therefore, I recommend the High Coastal Flood Hazard Area be replaced with High Hazard Area. The Coastal Flood Assessment Overlay could also be included in the policy. An alternative option, which I prefer, is to refer broadly to the flood assessment overlays, to future proof the policy if there is any change to the naming of the natural hazard definitions or overlays. I have included my drafting suggestion in my response for the panel to consider:</p>	

¹ Statement of Evidence of Joanne Mitten on behalf of The Canterbury Regional Council

Paragraph or Plan reference	Question
	<p><i>“Within the Non-Urban Flood Assessment Overlay, Urban Flood Assessment Overlay and the Kaiapoi Fixed Minimum Finished Floor Level Overlay any flood hazard overlays, any hazardous substance shall be stored to minimise the risk of spillage or leakage and contamination of land and water in a flood event.”</i></p>