

Section: Hazardous Subst [9]					
Topic: Contaminated Land					
Issue: 195 Maungatapu Road - Inclusion of Site TGA_115 on Selected Land Use Register [195MAUNGAT]					
Benton, Barry & Kay	414	10	O	195 Maungatapu Road is a Service Station so it is reasonable to be listed on the hazardous Property use list. A tank pull report shows readings are safe to be used for residential so the property should not be listed as contaminated.	Remove 195 Maungatapu Road (Site TGA 115) from the list of contaminated properties.
Benton, Jason	498	54	O	This site is a service station so would be reasonable to include on the list of hazardous sites. A report shows that the site is safe to be used for residential purposes and so the site should be removed from the list of contaminated properties.	Remove this site from the list of contaminated land.
Issue: 40C Maleme Street - Inclusion of Site TGA_293 on Selected Land Use Register [40CMALEME]					
John Meldrum	20	1	O	Object to the inclusion of 40C Maleme Street (TGA 293) on the Selected Land-Use Register without any evidence being advanced that the land is "contaminated land" or has an activity on it which has the "potential" to cause contamination.	Remove site 40C Maleme Street (TGA 293) from the Selected Land Use Register.
Issue: Purpose of Contaminated Land Provisions [9.7]					
Carmichael, AJ & PG Family Trust	712	30	O	Oppose as Section 32 analysis is inadequate, and unreasonable onus on landowner to provide historical use information and to prove that contamination hazard does not exist.	Delete Rule 9.7 provisions in their entirety.
St Michaels Limited	710	66	O	Oppose as Section 32 analysis is inadequate, and unreasonable onus on landowner to provide historical use information and to prove that contamination hazard does not exist.	Delete the provisions of Rule 9.7 and deal with contaminated land under the Regional Water and Land Plan.
Te Tumu Kaituna 7B2 Trust	1073	83	O	There is inadequate justification in the Section 32 Analysis for these requirements. There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.7
Te Tumu Kaituna 11B2 Trust	522	91	O	There is inadequate justification in the Section 32 Analysis for these requirements. There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.7
Te Tumu Kaituna 14 Trust	521	127	O	There is inadequate justification in the Section 32 Analysis for these requirements. There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.7
Ford Land Holdings Pty Limited	519	131	O	There is inadequate justification in the Section 32 Analysis for these requirements. There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.7
Te Tumu Landowners Group	520	151	O	There is inadequate justification in the Section 32 Analysis for these requirements. There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.7

Submitter	Sub Id	Sub Point	Posn	Summary	Decision Requested
<b>Section: Hazardous Subst [9]</b>					
Topic: Contaminated Land					
Issue: Objectives & Policies - Contaminated Land [9.8]					
Carmichael, AJ & PG Family Trust	712	31	O	Oppose as Section 32 analysis is inadequate, and unreasonable onus on landowner to provide historical use information and to prove that contamination hazard does not exist.	Delete Rule 9.8 provisions in their entirety.
St Michaels Limited	710	67	O	Oppose as Section 32 analysis is inadequate, and unreasonable onus on landowner to provide historical use information and to prove that contamination hazard does not exist.	Delete the provisions of Rule 9.8 and deal with contaminated land under the Regional Water and Land Plan.
Te Tumu Kaituna 7B2 Trust	1073	84	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.8.
Te Tumu Kaituna 11B2 Trust	522	92	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.8.
Te Tumu Kaituna 14 Trust	521	128	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.8.
Ford Land Holdings Pty Limited	519	132	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.8.
Te Tumu Landowners Group	520	152	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.8.
Issue: Objective - Managing Risks of Potentially Contaminated Land [9.8.1.1]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	16	O	Objective 9.8.1.1 should be amended to refer to testing and investigation being undertaken at the time of land use change, not simply in association with a general requirement for resource consent.	Amend Objective 9.8.1.1 to refer to testing and investigation being undertaken at the time of land use change, and not simply in association with a general requirement for resource consent. This could be achieved by revising the objective to read as follows: "9.8.1.1 Objective - Managing Risks of Potentially Contaminated Land Significant risks to human health and the environment posed by potentially contaminated land are identified and addressed where land use change is proposed and as part of the subdivision or development process."
Powerco Limited	452	103	O	Objective 9.8.1.1 should refer to testing and investigation being undertaken at the time of land use change, and not simply in association with a general requirement for resource consent.	Amend Objective 9.8.1.1 to refer to testing and investigation being undertaken at the time of land use change, and not simply in association with a general requirement for resource consent. This could be achieved by revising the objective to read as follows: "9.8.1.1 Objective - Managing Risks of Potentially Contaminated Land Significant risks to human health and the environment posed by potentially contaminated land are identified and addressed where land use change is proposed and as part of the subdivision or development process."
Issue: Policy - Investigation of Potentially Contaminated Land [9.8.1.1.1]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	17	O	Policy 9.8.1.1.1 should be amended to refer to testing and investigation being undertaken at the time of land use change, not simply in association with a general requirement for resource consent.	Amend Policy 9.8.1.1.1 to refer to testing and investigation being undertaken at the time of land use change, and not simply in association with a general requirement for resource consent. This could be achieved by revising the policy to read as follows: "9.8.1.1.1 Policy- Investigation of Potentially Contaminated Land By requiring subdivision and/or development sites that have a history of land use that could have resulted in contamination of the soil to undertake soil testing to confirm, when land use change is proposed, whether that land is fit for the new purpose for which the land is proposed to be used."
Powerco Limited	452	104	O	Policy 9.8.1.1.1 should be amended to refer to testing and investigation being undertaken at the time of land use change, not simply in association with a general requirement for a resource consent.	Amend Policy 9.8.1.1.1 to refer to testing and investigation being undertaken at the time of land use change, and not simply in association with a general requirement for a resource consent. This could be achieved by revising the policy to read as follows
Issue: General Provisions for Subdivision & All Land-use Consents [9.9]					
Carmichael, AJ & PG Family Trust	712	32	O	Oppose as Section 32 analysis is inadequate, and unreasonable onus on landowner to provide historical use information and to prove that contamination hazard does not exist.	Delete Rule 9.9 provisions in their entirety.
St Michaels Limited	710	68	O	Oppose as Section 32 analysis is inadequate, and unreasonable onus on landowner to provide historical use information and to prove that contamination hazard does not exist.	Delete the provisions of Rule 9.9 and deal with contaminated land under the Regional Water and Land Plan.
Te Tumu Kaituna 7B2 Trust	1073	85	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan. There is no clarity, certainty or criteria as to how it will be determined whether a site comes under the provisions of Section 9.9 and to what scale of subdivision and development they will apply.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.9 of Chapter 9 accordingly.
Te Tumu Kaituna 11B2 Trust	522	93	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan. There is no clarity, certainty or criteria as to how it will be determined whether a site comes under the provisions of Section 9.9 and to what scale of subdivision and development they will apply.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.9 of Chapter 9 accordingly.
Te Tumu Kaituna 14 Trust	521	129	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan. There is no clarity, certainty or criteria as to how it will be determined whether a site comes under the provisions of Section 9.9 and to what scale of subdivision and development they will apply.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.9 of Chapter 9 accordingly.
Ford Land Holdings Pty Limited	519	133	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan. There is no clarity, certainty or criteria as to how it will be determined whether a site comes under the provisions of Section 9.9 and to what scale of subdivision and development they will apply.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.9 of Chapter 9 accordingly.
Te Tumu Landowners Group	520	153	O	There is significant duplication with the Regional Council requirements, and how this is to be managed has not been addressed in the Plan. There is no clarity, certainty or criteria as to how it will be determined whether a site comes under the provisions of Section 9.9 and to what scale of subdivision and development they will apply.	Prepare a new Section 32 Report addressing the issues raised and redraft section 9.9 of Chapter 9 accordingly.

Submitter	Sub Id	Sub Point	Posn	Summary	Decision Requested
<b>Section: Hazardous Subst [9]</b>					
Topic: Contaminated Land					
Issue: Rule - Applicability to Subdivision and Land Use [9.9.1]					
Ballance Agri-Nutrients Limited	644	4	O	Oppose the proposed application of the contaminated land provisions of the Proposed Plan to all future land use consents as stated in Chapter 9.9 - including additions, alterations or modifications of existing sites/ activities. As currently proposed, land use consent requirements (including those for additions, alterations or modifications of existing sites/ activities) as a contaminated, or potentially contaminated site, would require measures of remediation, containment, or disposal of any contaminated soil as conditions of territorial authority consent that are considered appropriate for an existing use activity.	Amend the wording of Chapter 9 of the Proposed Plan to ensure that remediation, containment, or disposal measures associated with contaminated soil are not applied to all future land use consents, so as to avoid the inclusion of existing uses sites and activities.
Issue: Rule - Specific Requirements for Subdivision and Use of Potentially Contaminated Land [9.9.2]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	8	O	It is unreasonable to require all sites where the known historical use of the site could have resulted in contamination to be investigated in accordance with Rule 9.9.2. As a general principle, the submitter supports this type of Rule pertaining to land use change. It is not appropriate for this type of Rule to be triggered, however, by minor or maintenance type activities that do not effectively change the use of the site.	Amend Rule 9.9.2 to require an investigation of potentially contaminated land only where the primary land use is changing and where the important criteria for assessment is whether or not the land is suited to the proposed (new) use.
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	10	O	At present, the general provisions for subdivision and all land-use consents require that the known historical use of a site be reported on and , where there is potentially contaminated land, that soil testing be undertaken to confirm that the land is fit for increased exposure to humans and the environment. This assumes that there will be increased exposure as a result of subdivision or land development. In some cases, for example where land is already sealed or capped, there may not be an increased risk, for example where the contaminants are not being disturbed and/or where the intensity of the use is not increasing. In such cases the requirement for soil testing (and possible remediation) is extremely onerous, to the point of being unreasonable, and is not clearly linked to risk, or degree of effect.	Do not require soil testing where there is unlikely to be an increased risk of contaminated land exposure to humans and the environment through subdivision or land development.
Carrus Corporation Limited	661	31	O	The burden of proof of contamination of a site should be on the Council. The unreliability of the information held by TCC and the Regional Council makes 9.9.2(b) create uncertainty for a developer and the potential for significant additional cost.	Delete rule 9.9.2(b).
Powerco Limited	452	105	O	It is unreasonable to require all sites where the known historical use of the site could have resulted in contamination to be investigated in accordance with Rule 9.9.2. As a general principle, the Oil Companies support this type of Rule pertaining to land use change. It is not appropriate for this type of Rule to be triggered, however, by minor or maintenance type activities that do not effectively change the use of the site.	Amend Rule 9.9.2 to require an investigation of potentially contaminated land only where the primary land use is changing and where the important criteria for assessment is whether or not the land is suited to the proposed (new) use.
Powerco Limited	452	108	O	At present, the general provisions for subdivision and all land-use consents require that the known historical use of a site be reported on and , where there is potentially contaminated land, that soil testing be undertaken to confirm that the land is fit for increased exposure to humans and the environment. This assumes that there will be increased exposure as a result of subdivision or land development. In some cases, for example where land is already sealed or capped, there may not be an increased risk, for example where the contaminants are not being disturbed and/or where the intensity of the use is not increasing. In such cases the requirement for soil testing (and possible remediation) is extremely onerous, to the point of being unreasonable, and is not clearly linked to risk, or degree of effect.	Do not require soil testing where there is unlikely to be an increased risk of contaminated land exposure to humans and the environment through subdivision or land development.
Issue: Rule - Historical Use of Site [9.9.2A]					
John Meldrum	20	2	O	How can a landowner provide details "on the historical use of the site" when the site may have been in European occupation in excess of 150 years. If anybody has this historical information it will be the Council. If not, how can the landowner provide it?	Council should be required to provide information on the historical use of a site not the landowner.
Issue: Rule - Cost of Soil Investigations [9.9.2C]					
John Meldrum	20	3	O	If Council is concerned with the historical contamination which may have occurred decades before being owned by the present owner, why should the present owner bear the full cost of soil investigations?	If the Council has concerns it should pay for the costs of its concerns.
Environment Bay Of Plenty	760	33	SA	The investigation of a potentially contaminated site is not limited to scientists.	Instead of using the term 'suitably qualified scientist', use the term 'suitably qualified professional' or 'experienced contaminated site inspector'.
Issue: Rule - Restricted Discretionary Resource Consent Requirement [9.9.3]					
John Meldrum	20	4	O	The requirement for a Restricted Discretionary resource consent is an expensive impost on the landowner from which there is no practical appeal given the commercial imperatives.	Remove the requirement to apply for a Restricted Discretionary resource consent.
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	13	S	As part of an approach supported by the Oil Companies for managing contaminated sites, Restricted Discretionary activity status could/ should be applied.	Retain Rule 9.9.3 which requires the use, development or subdivision of contaminated land to be considered as a Restricted Discretionary Activity.
Carmichael, AJ & PG Family Trust	712	28	O	Oppose the requirement for Restricted Discretionary activity resource consent even for subdivisions that do not propose any physical works to be undertaken.	Subdivision of land known to be contaminated be provided for as a Controlled Activity.
DNZ Property Fund Limited	763	37	S	Proposed Rule 9.9.3, which provides for the development or subdivision of potentially contaminated land as a restricted discretionary activity, is supported.	Retain Rule 9.9.3 - Restricted Discretionary Activity Rules.
St Michaels Limited	710	69	O	Oppose the requirement for Restricted Discretionary activity resource consent even for subdivisions that do not propose any physical works to be undertaken.	Subdivision of land known to be contaminated be provided for as a Controlled Activity.
Powerco Limited	452	106	S	As part of an approach supported by Powerco for managing contaminated sites, Restricted Discretionary activity status could/ should be applied.	Retain Rule 9.9.3 which requires the use, development or subdivision of contaminated land to be considered a Restricted Discretionary Activity.

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<b>Section: Hazardous Subst [9]</b>					
Topic: Contaminated Land					
Issue: HAIL - Hazardous Industries and Activities List [HAIL]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	9	O	Environment Bay of Plenty (EBOP) has already developed a register based on the Hazardous Activities and Industries List (HAIL). That distinguishes between known contaminated sites and those that have had some sort of historical association with hazardous substances. The Oil Companies would support the application of rules based on EBOP's contaminated land register (which is based on the HAIL), but not on the generic basis of the HAIL itself.	Use EBOP's contaminated land register (and not the HAIL) to trigger the application of potentially contaminated land rules in both Chapter 9 and in the Earthworks rules.
Powerco Limited	452	102	O	Powerco would support the application of rules based on Environment Bay of Plenty's (EBOP's) contaminated land register (which is based on the HAIL), but not on the generic basis of the HAIL itself.	Use EBOP's contaminated land register (and not the HAIL) to trigger the application of potentially contaminated land rules in both Chapter 9 and in the Earthworks rules.
Issue: Management Approach [MANAGEMENT]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	18	O	The approach to contaminated land that has been taken in the decisions version of Wellington City Council's Plan Change 69 (as appended to the submission) is supported by the Oil Companies.	Adopt the approach to contaminated land that has been taken in the decisions version of Wellington City Council's Plan Change 69 - Contaminated Land (as appended to submission 469).
Issue: PIM and LIM Process [PIMLIMPROC]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	11	O	As part of an approach supported by the Oil Companies for managing contaminated sites, the City Council should provide appropriate information on sites (off the HAIL register) through the Project Information Memorandum (PIM) and Land Information Memorandum (LIM) process.	The City Council should provide appropriate information on sites (off the HAIL register) through the PIM and LIM process.
Powerco Limited	452	109	O	As part of an approach supported by Powerco for managing contaminated sites, the City Council should provide appropriate information on sites (off the HAIL register) through the Project Information Memorandum (PIM) and Land Information Memorandum (LIM) process.	The City Council should provide appropriate information on sites (off the HAIL register) through the PIM and LIM process.
Issue: Regulatory Responsibilities [REGRESPON]					
Ballance Agri-Nutrients Limited	644	3	O	City Council land use consent conditions for contaminated, or potentially contaminated sites, creates inappropriate duplication in regulatory controls between the functions of the City Council and the Regional Council.	Amend the Proposed Plan to ensure that City Council land use consent conditions for contaminated, or potentially contaminated sites, does not create inappropriate duplication in regulatory controls between the functions of the City Council and the Regional Council.
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	15	SA	As part of an approach supported by the Oil Companies for managing contaminated sites, EBOP should continue to control activities that have the ability to remobilise contaminants on a site, for example into ground water, air or surface water.	EBOP should continue to control activities that have the ability to remobilise contaminants on a site.
Benton, Jason	498	51	O	The Regional Council have the skills and expertise to deal with contaminated land and should deal with it completely.	Let Regional Council deal with contaminated land.
Powerco Limited	452	112	SA	As part of an approach supported by Powerco for managing contaminated sites, EBOP should continue to control activities that have the ability to remobilise contaminants on a site, for example into ground water, air or surface water.	EBOP should continue to control activities that have the ability to remobilise contaminants on a site.
Issue: Rapid Hazard Assessment Process [RHAP]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	12	O	As part of an approach supported by the Oil Companies for managing contaminated sites, a rapid hazard assessment process (e.g. using relevant guidelines and/or MFE Rapid Hazard Assessment) should be used to target those sites on the database of greatest risk and avoid expensive investigation on all sites. The information base will allow the "due diligence" process to operate in terms of land use responsibilities. The requirement for a consent should only be triggered by land use change, in which case the important criteria for assessment is whether or not the land is suited to the proposed (new) use.	Use a rapid hazard assessment process to target those sites on the database of greatest risk and to avoid expensive investigation on all sites.
Powerco Limited	452	110	O	As part of an approach supported by Powerco for managing contaminated sites, a rapid hazard assessment process (e.g. using relevant guidelines and/or MFE Rapid Hazard Assessment) should be used to target those sites on the database of greatest risk and avoid expensive investigation on all sites. The information base will allow the "due diligence" process to operate in terms of land use responsibilities. The requirement for a consent should only be triggered by land use change, in which case the important criteria for assessment is whether or not the land is suited to the proposed (new) use.	Use a rapid hazard assessment process to target those sites on the database of greatest risk and to avoid expensive investigation on all sites.
Issue: Section 32 [SECTION32]					
Property Council of New Zealand (Bay of Plenty Branch)	491	197	O	Oppose the provisions for contaminated land on the basis that the Section 32 analysis is inadequate.	Provisions are deleted in their entirety and dealt with under the Regional Water and Land Plan.
Issue: Site Management Plan [SITEMANPLA]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	14	O	As part of an approach supported by the Oil Companies for managing contaminated sites, for known contaminated and remediated sites (where an assessment has been undertaken and contamination confirmed) a regulatory regime is considered appropriate and the City Council and Environment Bay of Plenty should determine with the landowner on a case by case basis an appropriate programme of remediation, management and monitoring, which would be encapsulated in a site management plan.	Introduce Site Management Plans to manage known contaminated and remediated sites (where an assessment has been undertaken and contamination confirmed) determined with the landowner which would include an appropriate programme of remediation, management and monitoring. Any specification of an appropriate land use would be recorded and retained on a property file. Access to this information could be appropriately triggered via appropriate statements on PIM/LIMs.
Powerco Limited	452	111	O	As part of an approach supported by Powerco for managing contaminated sites, for known contaminated and remediated sites (where an assessment has been undertaken and contamination confirmed) a regulatory regime is considered appropriate and the City Council and Environment Bay of Plenty should determine with the landowner on a case by case basis an appropriate programme of remediation, management and monitoring, which would be encapsulated in a site management plan.	Introduce Site Management Plans to manage known contaminated and remediated sites (where an assessment has been undertaken and contamination confirmed) determined with the landowner which would include an appropriate programme of remediation, management and monitoring. Any specification of an appropriate land use would be recorded and retained on a property file. Access to this information could be appropriately triggered via appropriate statements on PIM/LIMs.
Topic: General					
Issue: Management of Hazardous Substances & Contaminated Land [MANAGEMENT]					
Benton, Barry & Kay	414	9	O	Environment Bay of Plenty has the responsibility and expertise to make these lists and they are doing it well. Their information is on Tauranga City Council's (TCC) building files and it is a waste of TCC resources to be doing it all over again.	Let Environment Bay of Plenty deal totally with hazardous substances and contaminated land.

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<b>Section: Hazardous Subst [9]</b>					
Topic: General					
Issue: Odour Levels [ODOURLEV]					
Goldthorpe Sons Properties Limited	2	6	O	Restrict Development in the green belt (Council Reserve at 29 Waihi Road and 21 Takitimu Drive) on the eastern side of the Judea Cutter Channel (K Valley Stream Outlet) and open spaces. Negative effects on the environment may include odour levels. Old sewage pipeline may be a risk to human health.	Amend Rule 9.4.6 by adding a new clause "(c)" to read "smell odour levels must be recorded."
Topic: Hazardous Substances					
Issue: Rule - Permitted Activity Rules - Hazardous Substances [9.4]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	5	O	It is not considered appropriate that activities that comply with Rules 9.4.2.1(a) and 9.4.2.1(b) also be subject to compliance with the ordinary permitted activity standards, other than Rule 9.4.6 (Underground Storage Tanks). It is widely accepted, by central government and by other regional and territorial authorities, that the potential adverse environmental effects and risks to the natural and physical environment, or to public health and safety, presented by service station facilities, such as that proposed, is addressed to an acceptable level by the current practices of the Oil industry. The intent of requiring compliance with the relevant Code of Practice (Rule 9.4.6) is that it covers the matters addressed in the standards in a manner appropriate to the specific activity.	Ensure that activities that comply with Rules 9.4.2.1(a) and 9.4.2.1(b) (retail sale and storage of Petrol, Diesel and LPG) are only required to comply with Rule 9.4.6 (Underground Storage Tanks) not the other permitted activity standards under Rule 9.4.
Issue: Rule - Retail Sale and Storage of Petrol and Diesel [9.4.2.1A]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	3	O	The threshold requirements for petrol and diesel no longer cater for industry needs. A typical retail site might have 3 x 40,000 or 3 x 50,000 litres of gasoline tanks, giving total storage of 120,000 to 150,000 litres, and this may increase in the future to 3 x 60,000 litre tanks giving a total of 180,000 litres. Similarly, a large retail site or truckstop may have 2 x 50,000 litre diesel tanks giving 100,000 litres of diesel storage.	Amend Rule 9.4.2.1(a) such that the gasoline storage threshold be increased from 100,000 litres to 200,000 litres and the diesel threshold be increased from 50,000 litres to 120,000 litres.
Tauranga City Council	492	82	O	Amend the wording of Rule 9.4.2.1 a) to also refer to the HSNO Act, and to be consistent with the format of 9.4.2.1 b) and c)	Amend Rule 9.4.2.1 a) to read as follows: "a) Involves the retail sale and storage of Petrol (up to 100,000 litres), Diesel (up to 50,000 litres) and complies with: i) The Code of Practice for Design, Installation and Operation of Underground Petroleum Storage Systems: 1992, and Supplement 1 - 1995) ii) The Hazardous Substances and New Organisms Act 1996 (HSNO Act)"
Issue: Rule - Retail Sale and Storage of LPG [9.4.2.1B]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	4	O	The LPG threshold requirements no longer cater for industry needs. It is now common to store LPG in underground tanks having a capacity up to 12 tonnes, and this should be reflected in the provisions.	Amend Rule 9.4.2.1(b) such that LPG storage be set at 12 tonnes when stored underground and 6 tonnes when stored above ground.
Issue: Rule - Self Contained Electrical Equipment [9.4.2.1G]					
Powerco Limited	452	99	O	Not clear why the threshold of 1,000 litres has been adopted. Within the industry it is standard to utilise sealed or self-contained equipment containing less than 1,500 litres.	Amend Rule 9.4.2.1(g) such that it exempts, from the calculation of the Hazardous Facilities Screening Procedure, activities involving sealed or self-contained electrical equipment containing less than 1,500 litres of oil.
Transpower New Zealand Limited	383	102	O	Not clear why the threshold of 1,000 litres has been adopted. Within the industry it is standard to utilise sealed or self-contained equipment containing less than 1,500 litres.	Amend Rule 9.4.2.1(g) such that it exempts, from the calculation of the Hazardous Facilities Screening Procedure, activities involving sealed or self-contained electrical equipment containing less than 1,500 litres of oil.
Issue: Spill Containment System [9.4.4]					
Powerco Limited	452	100	O	The occurrence of leakage or spillage from sealed or self contained electrical equipment is low and it is inappropriate to require it to be banded.	Exempt activities involving sealed or self-contained electrical equipment containing less than 1,500 litres of oil from the requirement in Rule 9.4.4 to provide a spill containment system.
Transpower New Zealand Limited	383	103	O	The occurrence of leakage or spillage from sealed or self contained electrical equipment is low and it is inappropriate to require it to be banded.	Exempt activities involving sealed or self-contained electrical equipment containing less than 1,500 litres of oil from the requirement in Rule 9.4.4 to provide a spill containment system.
Issue: Rule - Underground Storage Tanks [9.4.6]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	1	O	The Plan fails to make provision, as a permitted activity, for the maintenance, removal and replacement of Underground Petroleum Storage Systems (UPSS). As part of their normal ongoing activities, the Oil Companies are required to maintain, remove and replace their UPSS from time to time. The Oil Companies each have nationally standardised procedures, which are very similar.	Include in Chapter 9 of the Plan and not subject to any other Rules in that Chapter, a specific rule permitting UPSS removal as follows (or to the same effect): "The removal of underground petroleum storage systems and associated impacted soil is a permitted activity subject to: i) The area of works shall not exceed 250m2 and no more than 30m3 of associated impacted soil in aggregate per tank shall be removed. The Rules in Section 4.3 of the plan (earthworks) shall not apply, unless the site is in a Plan Area; ii) Removed soil shall be disposed of at a facility consented to receive such waste; iii) Work shall be completed in accordance with an Environmental Management Plan submitted to Council one week prior to the commencement of the works and to show how compliance is achieved with the permitted activity standards for noise and lighting; iv) Associated temporary health and safety signage shall be removed from the site following the completion of operations, and the Rules in Section 4.4 of the plan (signage) shall not apply; v) The ground shall be reinstated to a standard and state consistent with the adjacent ground; vi) A report detailing the results of validation sampling shall be provided to the City Council within 60 days of receipt of laboratory results."
Issue: Rule - Waste Management of Hazardous Substances [9.4.8BII]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	7	S	Support leaving the control of discharges to Environment Bay of Plenty (Rule 9.4.8(b)(ii)).	Retain Rule 9.4.8(b)(ii)
Issue: Rule - Restricted Discretionary Activity Rules [9.5]					
Carmichael, AJ & PG Family Trust	712	29	O	Oppose the requirement for a Restricted Discretionary activity resource consent even for subdivisions that do not propose any physical works to be undertaken.	Subdivision of land where Hazardous Substance Rules apply be provided for as a Controlled Activity.
St Michaels Limited	710	65	O	Oppose the requirement for Restricted Discretionary activity resource consent even for subdivisions that do not propose any physical works to be undertaken.	Subdivision of land where Hazardous Substance Rules apply be provided for as a Controlled Activity.
Property Council of New Zealand (Bay of Plenty Branch)	491	196	O	The provisions for subdivision require a resource consent even where physical works are not proposed.	Subdivision should be provided for as a controlled activity.

Submitter	Sub Id	Sub Point	Posn	Summary	Decision Requested
<b>Section: Hazardous Subst [9]</b>					
Topic: Hazardous Substances					
Issue: Rule - Restricted Discretionary Activities - Matters of Discretion & Conditions [9.5.2]					
Te Tumu Kaituna 7B2 Trust	1073	82	O	The general nature of Objectives and Policies and other general items do not represent a specific matter of discretion or provide appropriate guidance as to Council's requirements.	Amend 9.5.2 Restricted Discretionary Activity - Matters of Discretion and Conditions, by deleting a) - e) and replacing them with criteria that clearly indicate the matters that Council will restrict its discretion to.
Te Tumu Kaituna 11B2 Trust	522	90	O	The general nature of Objectives and Policies and other general items do not represent a specific matter of discretion or provide appropriate guidance as to Council's requirements.	Amend 9.5.2 Restricted Discretionary Activity - Matters of Discretion and Conditions, by deleting a) - e) and replacing them with criteria that clearly indicate the matters that Council will restrict its discretion to.
Te Tumu Kaituna 14 Trust	521	126	O	The general nature of Objectives and Policies and other general items do not represent a specific matter of discretion or provide appropriate guidance as to Council's requirements.	Amend 9.5.2 Restricted Discretionary Activity - Matters of Discretion and Conditions, by deleting a) - e) and replacing them with criteria that clearly indicate the matters that Council will restrict its discretion to.
Ford Land Holdings Pty Limited	519	130	O	The general nature of Objectives and Policies and other general items do not represent a specific matter of discretion or provide appropriate guidance as to Council's requirements.	Amend 9.5.2 Restricted Discretionary Activity - Matters of Discretion and Conditions, by deleting a) - e) and replacing them with criteria that clearly indicate the matters that Council will restrict its discretion to.
Te Tumu Landowners Group	520	150	O	The general nature of Objectives and Policies and other general items do not represent a specific matter of discretion or provide appropriate guidance as to Council's requirements.	Amend 9.5.2 Restricted Discretionary Activity - Matters of Discretion and Conditions, by deleting a) - e) and replacing them with criteria that clearly indicate the matters that Council will restrict its discretion to.
Issue: Rule - Non-Notification [9.5.2.1]					
Carmichael, AJ & PG Family Trust	712	27	O	Oppose Rule 9.5.2.1 unless there are special circumstances which apply under the Resource Management Act 1991 to trigger public notification. Consider that applications for resource consent should be dealt with non notified and without the need for written approvals.	Amend rule 9.5.2.1 by deleting clauses "a)" and "b)"
St Michaels Limited	710	64	O	Oppose Rule 9.5.2.1 unless there are special circumstances which apply under the Resource Management Act 1991 to trigger public notification. Consider that applications for resource consent should be dealt with non notified and without the need for written approvals.	Amend Rule 9.5.2.1 by deleting clauses "a)" and "b)".
Property Council of New Zealand (Bay of Plenty Branch)	491	195	O	Unless there are specific circumstances applications for resource consent should be dealt with on a non-notified basis.	Delete subsections (a) and (b) of Rule 9.5.2.1.
Issue: Appendix 9C - Domestic Scale Quantity Based Hazardous Substances Table [APPEND9C]					
Tauranga City Council	492	83	O	Reduce permitted quantity for Sodium Hypochlorite to be consistent with other substance quantities in Appendix 9C	Amend Appendix 9C by reducing quantity in Domestic Scale Trigger Level column for Sodium Hypochlorite from 200 litres to 150 litres
Issue: Hazardous Facilities Screening Procedures [HFSP]					
Ballance Agri-Nutrients Limited	644	1	O	Oppose the proposed use and application of the Hazardous Facility Screening Procedure (HFSP) to land use consents for existing uses, including the addition, alteration or modification of existing uses, sites and activities.	Amend the wording of Chapter 9 of the Proposed Plan to ensure that land use consents associated with existing uses do not trigger a requirement for assessment of existing uses under the HFSP provisions of the Proposed Plan.
St Michaels Limited	710	63	S	The Hazardous substances rules are based on the Hazardous Facility Screening Procedure (HFSP) and effects ratio and are supported.	Retain the Hazardous Substance rules, Hazardous Facility Screening Procedure (HFSP) and effects ratio provisions.
Property Council of New Zealand (Bay of Plenty Branch)	491	194	S	The Hazardous Facilities Screening Procedure and associated rules are supported.	Retain the Hazardous Facilities Screening Procedure rules.
Benton, Barry & Kay	414	644	O	Oppose the proposed use and application of the Hazardous Facility Screening Procedure (HFSP) to land use consents for existing uses, including the addition, alteration or modification of existing uses, sites and activities.	Amend Chapter 9 wording to ensure that land use consents associated with existing uses do not trigger a requirement for assessment of existing uses under the HFSP provisions of the Proposed Plan.
Issue: LPG Domestic - Domestic Use and Storage [LPGDOMUS]					
LPG Association	180	1	U	Seeks that the Council consider altering its Plan to provide for the domestic use and storage of up to 600 litres (300 kg) of LPG as a permitted activity. For the storage and use of quantities of more than 200 litres (100 kg) of LPG on site, a Location Test Certificate, in accordance with the HSNO Act 1996, would still be required.	Permit 'as of right' 600 litres (300 kg) of LPG for domestic use and storage in residential and rural zones or in residential dwellings in any other zone.
Issue: LPG HFSP - Hazardous Facilities Screening Procedure Requirements [LPGHFSP]					
LPG Association	180	2	O	For clarity and ease of use, LPG storage ought to be excluded from HFSP provisions in a District Plan and simple quantity guide be used. HFSP is an ineffective method for assessing permitted quantities of LPG because its properties are quite different to other hazardous substances.	Exclude LPG storage from HFSP provisions in a District Plan and use a simple quantity guide.
Issue: Manufacture of Hazardous Substances [MANUHAZSUB]					
Tauranga City Council	492	84	O	The term manufacture only appears in policy, and should also be used where use, storage, transportation ... of hazardous substances appears in the Plan.	Include the term 'manufacture' in Chapter 9 where rules make reference to the 'use, storage, transportation'... etc 'of hazardous substances.'
Issue: Regulatory Responsibilities [REGRESPON]					
Ballance Agri-Nutrients Limited	644	2	O	It appears possible that the proposed use and application of the Hazardous Facilities Screening Procedure (HFSP) may create duplication in regulatory controls between the functions of the City Council and Regional Council.	Clarify within the Proposed Plan the responsibilities of both Territorial and Regional Councils with respect to land use controls associated with hazardous substance management following the application of the HFSP.
Issue: Table 9.3B - Activities Exempt from Undertaking a HFSP Assessment [TABLE9.3B]					
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	2	S	Supports the provision in Table 9.3B (Activities exempt in all Plan Zones from undertaking an HFSP Assessment to Determine Consent Status) as a permitted activity for the retail sale and storage of petrol, diesel and LPG, pursuant to Rule 9.4.2.1.	Retain the exemption in Table 9.3B for the retail sale and storage of petrol, diesel and LPG from undertaking a HFSP assessment pursuant to Rule 9.4.2.1.
The Oil Companies (Shell NZ Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd & Chevron NZ)	469	6	S	Supports the provision, in Table 9.3B (Activities Exempt in all Plan Zones from undertaking an HFSP Assessment to Determine Consent Status) as a permitted activity for the storage, use, transportation or disposal of hazardous substances in the Port Operational Area of the Port Industry Zone.	Retain without modification the provision as a permitted activity, in Table 9.3B (Activities Exempt in all Plan Zones from undertaking an HFSP Assessment to Determine Consent Status) for the storage, use, transportation or disposal of hazardous substances in the Port Operational Area of the Port Industry Zone.