

## ANNEXURE 1

### PROPOSED KAPITI DISTRICT PLAN: CHAPTER 9 HAZARDS – MATRIX OF S42A RECOMMENDATIONS SUPPORTED BY THE OIL COMPANIES

Sub Point ID	Submission or FS	Recommendation of Reporting Planner (amendments proposed through S42A report shown in underline):	Comment
Hazardous substances			
512.17	Retain Policies 9.22, 9.23 and 9.25 without modification	Policies withdrawn.	Support
512.5	Amend Policy 9.24 to focus the assessment of risk more appropriately on the actual risks to the receiving environment.	Policy withdrawn	Support
FS131 re GWRC 441.52	<p>WRC supported policy 9.24 but sought to add the words “potential adverse impacts on” and delete the words “risk to”.</p> <p>The Oil Companies opposed the relief sought by the submitter on the basis that the HFSP is a risk based mechanism and it is not necessary to use the HFSP procedure to control other potential adverse effects of hazardous facilities, such as lighting and traffic.</p>	Policy withdrawn	Support
512.6 512.7 512.8	Amend Policy 9.26 to remove the requirement to demonstrate that safe transportation routes have been selected.	Policy withdrawn	Support

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512.10	Make changes to Exemption 13 in the Explanation under Policy 9.24 to refer to the most up to date standards.	Policy withdrawn	Support
512.6 512.7 512.8 512.9	Make consequential amendments to Policy 9.28 to remove reference to selecting transport routes.	Policy withdrawn	Support
512.11	Provide appropriate exemptions from the HFSP by making changes to Rule 9E.1.2.2	Rule withdrawn	Support
512.12 512.13 512.14	<p>Provide appropriate permitted activities in the District Centre, Outer Business Centre, Town Centre, Local Centre or Industrial zones (except where they are located within an area mapped as having natural hazard risk) and controlled activities in all other zones (except those specified in Rule 9E.5). Ensure the rules cascade is clear.</p> <p><i>The retail sale of LPG, petrol and/or diesel in the following quantities:</i></p> <ul style="list-style-type: none"> <li><i>a. an aggregate six tonnes of LPG stored in single or multiple vessels; and</i></li> <li><i>b. an aggregate 100,000 litres of petrol stored; and</i></li> <li><i>c. an aggregate 50,000 litres of diesel stored.</i></li> </ul>	Rules withdrawn	Support

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	This can be achieved by making amendments to the rules.		
<b>Contaminated Land</b>			
512.02	Retain without modification the definitions of “contaminated land” and “potentially contaminated land” in the District Plan as follows:	<p>Accept in part</p> <p>The following changes are proposed by the Reporting Planner:</p> <p><i><b>Contaminated land shall have the same meaning means the same as in the Resource Management Act 1991.</b></i></p> <p><i><b>Potentially contaminated land means land that by virtue of its historical use and the types of activities previously undertaken upon it may be contaminated land. It includes land <u>used for any of the uses identified in the Ministry for the Environment’s hazardous activities and industries list (HAIL) or land that is classified on the Wellington Regional Council’s Selected Land Use Register (SLUR) as having a verified or unverified history of any of the land uses identified on the HAIL.</u></b></i></p>	<b>Support the recommendation.</b>
512.18	Retain without modification Policies 9.29, 9.30, 9.31, 9.32, 9.33 and 9.34 which read as follows:	<p>Accept in part</p> <p>The title of <b>Policy 9.29</b> has been amended to read as follows:</p>	<b>Support the recommendations</b> which retain the intent of Policies 9.29-9.33.

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		<p><i>Identify <u>contaminated and potentially contaminated land</u></i></p> <p><b>Policy 9.34</b> has been deleted as a consequential amendment to address the Oil Companies submission points 512.15 and 16 which requested that duplication with regional council functions and the NES be removed. The recommendation notes that the Submitter Engagement Version of the plan proposed moving these provisions to the information requirements section of Chapter 1. This was opposed by the Oil Companies and the Reporting Planner agrees that the assessment criteria are not appropriate as information requirements and also duplicate the NES and regional council functions. The Reporting Planner proposes instead to rely on the requirements of Section 88 and Schedule 4 of the RMA which require an assessment of the activity against any relevant provisions of a national environmental standard as well as requiring an assessment of the environmental effects of the activity.</p> <p>No changes are proposed to Policy 9.33.</p> <p>The Reporting planner recommends a number of consequential changes in response to the Oil Companies submissions and minor changes (under clause 16(2) of Schedule 1 to the RMA) to policies</p>
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		<p>9.30, 9.31 and 9.32 to make them easier to understand:</p> <p><b>Policy 9.30 – Criteria for Identification</b>  <del>Contaminated and potentially contaminated land in the District will be identified using the following criteria where land:</del>  <del>a) was used, is presently used, or is likely to have been used for an activity appearing on the Hazardous Activities and Industries List; or including</del>  <del>having regard to whether the land is b) identified as contaminated in the information held by the Kāpiti Coast District Council or in the Wellington Regional Council’s SLUR database.</del></p> <p><b>Policy 9.31 – Site Investigations</b>  <del>Site investigations of contaminated land will</del><u>should</u>  <del>be carried out in accordance with national best practice, including the Ministry for the Environment’s Contaminated Land Management Guidelines No.1 to and No. 5.</del></p> <p><b>Policy 9.32 – Management or Remediation</b>  <del>Any development, subdivision or change in land use on HAIL land, or land identified as contaminated or potentially contaminated land by the Kāpiti Coast District Council or the Wellington Regional Council’s SLUR database, that is reasonably likely to increase the risk of exposing people or the environment to contaminants, will be managed or remediated to</del></p>	
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		<i>eliminate any unacceptable risk to the environment by management or remediation of the contaminated land.</i>	
FS131 re GWRC 441.55	<p>WRC supported Policy 9.29 but sought amendments to the policy title to “identification of contaminated and potentially contaminated land” and amend to delete “risk to” and replace with “adverse effects on” before the words “the environment”.</p> <p><i><u>Policy 9.29 Identify contaminated and potentially contaminated land</u></i></p> <p><i>Contaminated and potentially contaminated land in the District will be identified through the consent or plan change process, to enable the land to be managed or remediated to eliminate any unacceptable <del>risk to</del> adverse effects on the environment.</i></p> <p>The Oil Companies opposed the relief sought by the submitter as the intent of the management of contaminated land is avoiding unacceptable risk to the environment from contaminated land. The whole framework around the management of contaminated</p>	<p>Accept in part</p> <p>The Reporting Planner recommends amending the title of the policy as sought by the submitter but does not support changes to the wording of policy 9.29</p>	<b>Support the recommendation</b> which does not alter the intent of the policy

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	land is risk based. The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (NES) incorporates risk based guidelines, therefore it is appropriate that the risk focus is retained.		
FS131 re GWRC 441.56	<p>WRC supported Policy 9.32 but sought to delete “risk to” and replace with “adverse effects on”.</p> <p>The Oil Companies opposed the relief sought by the submitter as the intent of the management of contaminated land is avoiding unacceptable risk to the environment from contaminated land. The whole framework around the management of contaminated land is risk based. The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (NES) incorporates risk based guidelines, therefore it is appropriate that the risk focus is retained.</p>	Reject	<b>Support the recommendation.</b> The Oil Companies further submission has been given effect.
512.16	Remove any rules in the District Plan which duplicate those in the NES. This can be achieved by deleting Rules 9E.1.3-9E.1.6, 9E.2.2, 9E.3.1 and 9E.3.2.	<p>Accept</p> <p>Delete rules which duplicate the NES</p>	<b>Support the recommendation</b>