

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ

Decision No. [2023] NZEnvC 170

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal under clause 14(1) of the
First Schedule of the Act

BETWEEN

LIQUIGAS LIMITED

(ENV-2018-CHC-229)

(and all other appellants listed at
the end of this consent order)

Appellants

AND

DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 11 August 2023

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that Dunedin City Council is to amend the provisions of the proposed Dunedin City Second Generation District Plan as set out in Appendix 1, attached to and



LIQUIGAS LTD V DCC

forming part of this order;

- (2) appeals by BP Oil New Zealand Limited and Others (DCC Reference numbers 347, 348 and 350), Federated Farmers of New Zealand Incorporated (DCC Reference number 345), Fonterra Limited (DCC Reference number 172), Liquigas Limited (DCC Reference number 80), LPG Association of New Zealand (DCC Reference number 178), Port Otago Limited - Port Activities (DCC Reference number 368), Ravensdown Limited (DCC Reference numbers 68, 72, 77, 79 and 344) and Transpower New Zealand Limited (DCC Reference number 144) are resolved in full and the appeals otherwise dismissed; and
- (3) part of the appeal by University of Otago (DCC Reference number 213 (in part)) is resolved and the remaining part (DCC Reference number 213 (in part)) is unresolved and to be dealt with at a later date in relation to the deletion of Rules 9.3.4.1(c) and 34.6.5.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This order concerns appeals which sought various amendments to the hazardous substances provisions of the proposed Second Generation Dunedin City District Plan ("2GP").

[2] The appellants, DCC Reference numbers, relief sought, and s274 parties are outlined in Appendix 2, attached to and forming part of this order.

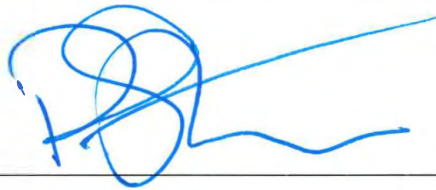
[3] I have read and considered the consent memorandum of the parties dated 2 June 2023 which proposes to resolve the appeals.

[4] I have also read and considered the affidavit by P B Rawson affirmed 21 June 2023, who has satisfied me that the amendments proposed will achieve the objectives of the 2GP, and that granting the relief sought will not impact on the resolution of any other proceeding.¹

[5] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA, including Part 2.

Outcome

[6] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge



¹ Affidavit of P B Rawson affirmed 21 June 2023 at [31], [51]–[52].

List of Appellants

Ravensdown Limited	ENV-2018-CHC-237
Port Otago Ltd – Port Activities	ENV-2018-CHC-247
Transpower New Zealand Limited	ENV-2018-CHC-249
Fonterra Limited	ENV-2018-CHC-251
Federated Farmers of New Zealand Limited	ENV-2018-CHC-254
University of Otago	ENV-2018-CHC-270
LPG Association of New Zealand	ENV-2018-CHC-289
BP Oil New Zealand Limited	ENV-2018-CHC-291

Appendix 1

Section 1 Definitions

1. Add a new definition of 'secondary containment system', as follows:

Secondary Containment System

The system in place to contain any spills, leaks or the failure of the primary container that stores the hazardous substance. {The Oil Companies appeal point 350}

Section 2 Strategic directions

Policy 2.2.6.2

2. Amend Policy 2.2.6.2 as follows:

Manage the risk posed by the storage and use of hazardous substances to an acceptable level through rules that:

- a. require the storage and use of hazardous substances to be set back from the coastal marine area and water bodies, except hazardous substances ancillary to a port activity {Port Otago Ltd - Port Activities appeal point 368};
- ~~a. b.~~ limit control the quantity of different hazardous substances that may be used in different environments (zones) stored and used in some zones, based on the sensitivity of activities to residual risk of the storage and use of hazardous substances that are not managed through other regulatory controls; {The Oil Companies appeal point 337} and
- ~~b. c.~~ restrict bulk fuel storage facilities sensitive activities from locating or expanding within a **hazard facility mapped area**.

Section 9 Public Health and Safety

9.1 Introduction

3. Amend the 4th paragraph of 9.1 Introduction, as follows:

Hazardous substances are necessary for the operation of many commercial and other activities and need to be provided for. However, if not appropriately managed, their storage and use are potential threats to the health and safety of Dunedin's people and natural environment. Hazardous substances encompass those identified in the Hazardous Substances and New Organisms Act 1996 (HSNO) and may include substances such as industrial, agricultural, horticultural and household chemicals,

medical wastes, petroleum products including LPG and lubricating oils, and radioactive substances. HSNO and associated regulations set controls ~~for the management of these substances~~ on hazardous substances that ensure that they are appropriately stored and used. ~~The RMA enables plans to include additional land use controls for the prevention or mitigation of the adverse effects of storage, use, disposal and transport of hazardous substances where this is necessary to address a clear resource management issue. Such controls may relate to matters such as the location of hazardous substances and their potential impacts on other land uses and the natural environment. {Ravensdown Ltd appeal point 68}~~ Additional controls are included in this Plan where there are gaps in the Hazardous Substances and New Organisms 1996 Act (HSNO) and the Health and Safety at Work (Hazardous Substances) 2017 regulations (HSW-HS). These include controls to limit the quantities of hazardous substances that may be stored without resource consent in locations where the residual risk to the health and safety of people may be higher. Three different levels of control are proposed based on an assessment of the sensitivity of activities commonly present in each zone. From most strict to least strict the controls are grouped as follows:

1. Group A (strictest) applies to residential activities, residential and school zones, some major facility zones (Ashburn Clinic and Mercy and Wakari hospitals) and the SSYP Zone, which has a large number of residential and other sensitive activities (Appendix A6.1).
2. Group B (medium strictness) includes the other zones not in Group A including Industrial or Industrial Port zones that are within a hazard overlay zone and also within 100m of another zone other than the Port Zone (Appendix A6.2).
3. Group C (least strict) applies to those parts of Industrial or Industrial Port zones within a hazard overlay but not within 100m of another zone other than the Port Zone (Appendix A6.3).

Appendix A6.4 also applies to the Campus Zone. No hazardous substance controls are applied in Industrial or Industrial Port zones outside hazard overlay zones or in the Port Zone, apart from residential activities or if located close to the National Grid. Hazardous substances provisions also reference the Globally Harmonised System (GHS) for hazardous substances, which was adopted on 30 April 2021 under the Hazardous Substances and New Organisms Act 1996 (HSNO) and replaces the HSNO Classifications. {Cl.16 of the first schedule of the RMA}

{The Oil Companies appeal point 350}

Policy 9.2.2.11

4. Amend Policy 9.2.2.11, as follows:

Require hazardous substances to be stored and used in a way that ~~avoids~~ ensures residual risks of adverse effects on the health and safety of people ~~on the site or surrounding sites or, if avoidance is not practicable, ensures any adverse effects are no more than low~~ are managed to acceptable levels. {The Oil Companies appeal point 348}

Rule 9.3.4 Hazardous Substances Quantity Limits and Storage Requirements

5. Amend Rule 9.3.4 Hazardous Substances Quantity Limits and Storage Requirements, as follows:
1. The storage and use of hazardous substances with explosive or flammable properties must not be located in the National Grid Yard except as provided for in Rule 9.3.4.2. The storage and use of all other hazardous substances must comply with the quantity limits and storage requirements specified in Appendix A6, as follows:

Zones and activities		Appendix
a.	<p>i. <u>Residential activities in all zones</u></p> <p>ii. <u>All activities in the:</u></p> <p>1. <u>residential zones;</u></p> <p>2. <u>Smith Street and York Place Zone (SSYP);</u></p> <p>3. <u>Ashburn Clinic Zone;</u></p> <p>4. <u>Mercy Hospital Zone;</u></p> <p>5. <u>Wakari Hospital Zone; and</u></p> <p>6. <u>Schools Zone.</u></p> <p>Residential activities in all zones, and all activities in the residential zones, Smith Street and York Place (SSYP), and Schools zones {The Oil Companies appeal point 350}</p>	A6.1
b.	<p>i. <u>All activities except residential activities in the:</u></p> <p>1. <u>commercial and mixed use zones except SSYP;</u></p> <p>2. <u>major facility zones except Ashburn Clinic, Campus, Mercy Hospital, Port, Wakari Hospital and Schools;</u></p> <p>3. <u>rural zones;</u></p> <p>4. <u>rural residential zones; and</u></p> <p>5. <u>Recreation Zone.</u></p>	A6.2

	<p>ii. <u>All activities in any part of Industrial or Industrial Port zones except residential activities, where the storage or use of hazardous substances is located within 100m of the boundary of any other zone, except another industrial zone or the Port Zone; and:</u></p> <p>1. <u>the activity is located within a hazard 2 (flood) or hazard 2 (land instability) overlay zone; or</u></p> <p>2. <u>the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.</u></p> <p>Commercial and mixed use zones (except Smith Street and York Place (SSYP)), Stadium, Moana Pool, Edgar Centre and Taieri Aerodrome zones</p> <p><i>{The Oil Companies appeal point 350}</i></p>	
c.	<p>Campus Zone</p> <p>Invermay and Hercus, Dunedin Public Hospital, Campus, and Otago Museum zones</p>	A6.34
d.	<p>i. <u>All activities in any part of Industrial or Industrial Port zones, except residential activities, where the storage or use of hazardous substances is not located within 100m of the boundary of any other zone, other than another industrial zone or the Port Zone; and:</u></p> <p>1. <u>the activity is located within a hazard 2 (flood), or hazard 2 (land instability) overlay zone; or</u></p> <p>2. <u>the activity is located within a hazard 3 (flood, coastal or alluvial fan)</u></p>	A6.3

	<p><u>overlay zone and involves the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.</u></p> <p><i>{The Oil Companies appeal point 350}</i></p>	
d	Recreation, rural, rural residential, and Dunedin Botanic Garden zones	A6.4
e	Industrial zones within a hazard 2 and 3 (flood), hazard 2 (land instability), hazard 3 (alluvial fan) or hazard 3 (coastal) overlay zone	A6.2
f	Dunedin International Airport Zone	A6.5
g	Ashburn Clinic, Mercy Hospital, and Wakari Hospital zones	A6.6
h.e.	<p><u>For the sake of clarity, there are no hazardous substances quantity limits and storage requirements except where Rule 9.3.4.1.a.i (residential activities) or Rule 9.3.4.2 (within National Grid Yard) applies:</u></p> <p>i. <u>in the Port Zone; or</u></p> <p>ii. <u>in Industrial or Industrial Port zones, where located outside a hazard 2 and 3 (flood), or hazard 2 (land instability), hazard 3 (alluvial fan) or a hazard 3 (coastal) overlay zone; or</u></p> <p>iii. <u>in Industrial or Industrial Port zones, where located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and it does not involve the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.</u> <i>{The Oil Companies appeal point 350}</i></p> <p>h. There are no quantity limits and storage requirements in the Port Zone; or in the Port Industrial Zone or Industrial Zone, where located outside a hazard 2 and 3 (flood), hazard 2 (land instability), hazard 3 (alluvial fan) or a hazard 3 (coastal) Overlay Zone.</p>	

- ~~2. The storage and use of hazardous substances with explosive or flammable properties must be set back 12m from National Grid transmission lines, support structures and substations, except:~~
- ~~a. the storage and use of hazardous substances which comply with the residential zones hazardous substances quantity limits in Appendix A6.1.~~
3. ~~2.~~ The following storage and use of hazardous substances facilities and quantities are exempt from ~~this standard~~ Rule 9.3.4.1: {The Oil Companies appeal point 350}
- a. storage of substances in or on vehicles being used in transit on public roads;
- b. ~~the storage and use of transformer cooling oils in electricity transformers~~ the conveyance, storage and use of substances for network utilities; {Cl.16 minor amendment}
- c. ~~fuel in mobile plant, motor vehicles, boats and small engines~~ the storage and use of fuel and other substances that are contained in the fuel system, electrical system or control system of motor vehicles, boats, aircraft and small engines; {moving from Appendix A6}
- ~~g d.~~ storage at fire stations and on emergency response appliances of specialist hazardous substances for firefighting including compressed air, oxidising gas (medical oxygen), and foam (excluding within the Hazard 1 and 2 (flood) Overlay Zone and **groundwater protection mapped area**);
- ~~h e~~ the storage of hazardous substances at retail outlets such as supermarkets, trade suppliers, and pharmacies selling to customers of a residential activity domestic scale usage (for home heating, cooking, cleaning and gardening) of hazardous substances, such as supermarkets, trade suppliers, and pharmacies; {Cl.16 minor amendment}
- ~~i-~~ the accessory use and storage of hazardous substances in minimal domestic scale quantities {Cl.16 minor amendment}
- f. the storage and use of hazardous substances as part of a residential activity (for home heating, cooking, cleaning and gardening), including LPG up to a maximum full weight of 300kg where:
- i. the hazardous substance(s) is part of a consumer product intended for residential use; and
- ii. the product is stored in the container or packaging in which it was sold and used in accordance with the manufacturer's instructions; {LPG Association of New Zealand 178}
- ~~k g.~~ the temporary storage, handling and distribution of national or international cargo containers; and
- ~~h.~~ hazardous substances of HSNO and GHS sub-classes 1.4 or 1.6 unless other hazard classifications apply. {Cl.16 minor amendment}

3. The following storage and use of hazardous substances where located outside the National Grid Yard are exempt from Rule 9.3.4.1:

- d. a. gas and oil pipelines and associated equipment;
- e. b. waste treatment and disposal facilities not within Hazard 1 and 2 (flood) overlay zones, and waste in process in the DCC's trade waste sewers, municipal liquid waste treatment and disposal facilities not within Hazard 1 and 2 (flood) overlay zones, which may contain hazardous substance residues;
- f. c. the application of agrichemicals and fertilisers at a rate and in a manner consistent with their intended purpose;
- i. d. activities involving substances of HSNO sub-classes ~~1.4~~, 1.5 (GHS 1.5), ~~1.6~~, 6.1D (GHS category 4), 6.1E (GHS category 1 and 3), 6.3 (GHS 6.3A category 2), 6.4 (GHS 6.4A category 2), 9.1D (GHS category 4) and 9.2D (GHS hazardous to soil organisms) unless other hazard classification applies; {Cl.16 of the first schedule of the RMA}
- e. the storage and use of LPG where that storage and use does not trigger a requirement to obtain a compliance certificate under the Health and Safety at Work Act (Hazardous Substances) Regulations 2017 or the Environmental Protection Authority Hazardous Substances (Hazardous Property Controls) Notice 2017; {LPG Association appeal point 178}
- f. the storage of HSNO sub-classes 3.1.A-D (GHS category 1 – 4) liquid petroleum fuels in below ground tanks at service stations in accordance with the following codes of practice:
 - i. Below Ground Stationary Container Systems for Petroleum - Design and Installation HSNOCOP 44, Environmental Protection Agency, May 2012; and
 - ii. Below Ground Stationary Container Systems for Petroleum – Operation HSNOCOP 45, Environmental Protection Agency May 2012; {The Oil Companies appeal point 350}
- g. the storage of HSNO sub-class 2.1.1A (GHS category 1A and 1B) LPG at sites associated with the retail sale of fuel up to an aggregate of 1250kg of LPG stored in bottle swap facilities in accordance with AS/NZ 1596:2014 The Storage and Handling of LP Gas; {The Oil Companies appeal point 350}
- h. in the Industrial or Industrial Port zones, the transit and two-hour maximum storage of tracked hazardous substances and 72-hour maximum storage of non-tracked hazardous substance; {Cl.16 moving from Appendix A6}
- i. in the rural and rural residential zones:
 - i. the storage and use of agrichemicals in accordance with NZS8409:2004;

- ii. the storage and use of class 3 fuels in accordance with the Environmental Protection Agency's Approved Practice Guide for Above-Ground Fuel Storage on Farms, September 2010; and
 - iii. the storage and use of fertiliser in accordance with the following:
 - 1. Fertiliser (Corrosive) Group Standard HSR002569;
 - 2. Fertiliser (Oxidising) Group Standard HSR002570;
 - 3. Fertiliser (Subsidiary Hazard) Group Standard HSR002571;
 - 4. Fertiliser (Toxic) Group Standard HSR002572; and
 - 5. Fert Research's Code of Practice for Nutrient Management 2007; {Cl.16 moving from Appendix A6}
 - i. the above-ground storage of a maximum of 100,000 Litres of diesel at service stations provided that:
 - i. any above ground tanks are double skinned and designed in accordance with the Health and Safety at Work Act (Hazardous Substances) Regulations 2017; and
 - ii. the site complies with the MfE Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand 1998; {The Oil Companies appeal point 350}
 - l. the storage and use of Diesel Exhaust Fluid (DEF), subclass 6.3B and subclass 6.4A (GHS eye irritation Category 2), at service stations and bulk fuel storage facilities; and {The Oil Companies appeal point 350}
 - m. the above-ground storage and use of a maximum of 5000 Litres of diesel in certified double skin tanks. {The Oil Companies appeal point 350}
4. The storage and use of hazardous substances that contravenes this performance standard is a restricted discretionary activity, except:
- a. the storage and use of hazardous substances with explosive or flammable properties within the National Grid Yard that does not meet the requirements for ~~contravention exemption~~ of under Rule 9.3.4.2 is a non-complying activity. {The Oil Companies appeal point 350}

Note 9.3.4A

6. Add, after Note 9.3.4A - Other requirements outside of the District Plan, the following new note:

Note 9.3.4B - Other relevant District Plan provisions

- 1. Rule 5.6.1.1 Setback from National Grid (new buildings and structures, city-wide activities and National Grid sensitive activities) contains additional requirements for setbacks from the National Grid.

BP Oil New Zealand Limited and Others (appeal point 350), LPG Association of New Zealand (appeal point 178) and Transpower New Zealand Limited (appeal point 144)

Rule 9.5.3.9 Assessment of performance standard contraventions - Hazardous substances quantity limits and storage requirements

7. Amend Rule 9.5.3.9 Assessment of performance standard contraventions - Hazardous substances quantity limits and storage requirements, as follows:

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.2 ii. Hazardous substances are stored and used in a way that avoids <u>ensures residual</u> risks of adverse effects on the health and safety of people on the site or surrounding sites <u>are managed to acceptable levels or, if avoidance is not practicable, ensures any adverse effects are no more than low</u> (Policy 9.2.2.11). {The Oil Companies appeal point 348} <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Hazardous substances are stored in a way that meets HSNO requirements and Hazardous Substances Regulations. iv. There is little or no risk of any discharge of hazardous substances into the public stormwater infrastructure. v. The proposed hazardous site or hazardous sub-facility is located an appropriate distance from sensitive activities including population, services, schools, emergency services, hospitals or arterial routes. vi. A site management plan and emergency response plan appropriately addresses any potential adverse effects on health and safety

			<p>(see Special Information Requirements - Rule 9.9.1).</p> <p><i>General assessment guidance:</i></p> <p>vii. <u>In considering whether residual risk is of an acceptable level, Council will be guided by the New South Wales Government Risk Criteria for Land Use Safety Planning (refer to https://2qp.dunedin.govt.nz/2qp/supportingdocuments.html).</u></p> <p>viii. In assessing the potential effects from hazardous substances, Council will consider:</p> <ol style="list-style-type: none"> 1. any additional risk from natural hazards; 2. implications on the future use of the site through any associated HAIL classification; 3. cumulative effects from other hazardous substances stored on-site, or the storage of hazardous substances on adjacent sites, and whether they are incompatible when considered holistically; 4. the nature and size of the proposed development or activity; and 5. the sensitivity of other activities on the same or surrounding sites. <p><i>Conditions that may be imposed include:</i></p> <p>ix. Council may require the development of a site management plan and emergency response plan (see Rule 9.9.1) which outlines how the activity will respond to potential emergency arising from the hazard facility.</p>
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Section 11 Natural Hazards

8. Amend Policy 11.2.1.7 as follows:

Policy 11.2.1.7	<p>Only allow large quantities of hazardous substances in hazard 1, hazard 1A and <u>hazard 2 overlay zones and class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances in the hazard 3 overlay zones</u> where they are stored in a manner that ensures risk from natural hazards is</p>
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	avoided, or is no more than low. <i>{The Oil Companies appeal point 350}</i>
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Rule 11.4.2 Assessment of development performance standard contraventions

9. Consequential amendment to Rule 11.4.2.3 Assessment of development performance standard contraventions – Hazardous substances quantity limits and storage requirements (Rule 9.3.4), as follows:

11.4.2 Assessment of development performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Hazardous substances quantity limits and storage requirements (Rule 9.3.4)	a. Risk from natural hazards	<i>Relevant objectives and policies:</i>
			i. Objective 11.2.1 ii. Hazardous substances in hazard 1, hazard 1A and <u>hazard 2 overlay zones</u> and class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS <u>hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4</u>) <u>hazardous substances in the hazard 3 overlay zones</u> are stored in a manner that ensures the risk from natural hazards is avoided, or is no more than low (Policy 11.2.1.7). <i>{The Oil Companies appeal point 350}</i> ...

Section F Appendices

A6. Hazardous Substances Quantity Limits

10. Amend Appendix A6. Hazardous Substances Quantity Limits, as follows *{The Oil Companies appeal point 350}* :

A6. Hazardous Substances Quantity Limits

A6.1 ~~Residential Activities and Residential, Smith Street and York Place, and Schools Zones~~ Group A [also replaces A6.6]

1. ~~Tables A6.1.1 – A6.1.9 specify the hazardous substances quantity limits for residential activities in all zones, and all activities in the residential zones, the~~

~~Smith Street and York Place Zone and Schools Zone, except the following are exempt from the hazardous substances quantity limits:~~

- ~~a. the storage and use of hazardous substances for domestic purposes, associated with a lawfully established residential activity, excluding home occupation. The hazardous substance(s) must form part of a consumer product intended for domestic use. The product must be stored in the container or packaging in which it was sold, and used in accordance with the manufacturer's instructions;~~
- ~~b. the storage and use of fuel and other substances that are contained in the fuel system, electrical system or control system of motor vehicles, boats, aircraft and small engines; and~~
- ~~c. the storage and use of transformer cooling oils in electricity transformers.~~

1. Tables A6.1.1 - A6.1.9 specify the hazardous substances quantity limits for the activities and areas set out in Rule 9.3.4.1.a, which are:

- a. residential activities in all zones;
- b. all activities in the:
 - i. residential zones;
 - ii. Smith Street and York Place Zone (SSYP);
 - iii. Ashburn Clinic Zone;
 - iv. Mercy Hospital Zone;
 - v. Wakari Hospital Zone; and
 - vi. Schools Zone.

{The Oil Companies appeal point 350}

- 2. Where a substance is listed by name only the specific class quantity limit where the substance is listed applies and other class quantity limits do not apply. All volumes listed for quantity limits will be aggregated i.e. as a permitted activity a site may hold the maximum thresholds limit identified of each Class 1 plus Class 2 plus Class 3 and/or Class 4.1.3A C plus Class 4.2A plus 4.3A etc.
- 3. Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight will be considered (for the purposes of the hazardous substance quantity limits) to be that present in conditions of 20°C and 101.3kPa.
- 4. The permitted quantity ~~thresholds~~ limits apply per site.

{References to GHS classification system added through cl.16 of the first schedule of the RMA}

Table A6.1.1 Class 1 - Explosives (GHS unstable explosive)

Substance		Quantity limit
Subclass 1.1A-G, J, L: Mass explosion hazard		
1.	Gunpowder and black powder	15kg
2.	Display fireworks	0
3.	Industrial explosives (e.g. TNT) and all other 1.1	0
Subclass 1.2B-L: Projection hazard		
4.	All	No thresholds <u>limit</u>
Subclass 1.3C, F-L: Fire and minor blast hazard		
5.	Smokeless ammunition reloading powder	15kg
Subclass 1.3C, F-L: Fire and minor blast hazard		
6.	Retail fireworks	No thresholds <u>limit</u> - refer to Hazardous Substances(Fireworks) Regulations 2001
7.	All other 1.3	No thresholds <u>limit</u>
Subclass 1.4B-G, S: No significant hazard		
8.	Safety ammunition and flares	25kg
9.	Retail fireworks	No thresholds <u>limit</u> - refer to Hazardous Substances (Fireworks) Regulations 2001
10.	Sodium Azide	0 {Cl.16 minor amendment}
11.	All other 1.4	No thresholds <u>limit</u>
Subclass 1.5D: Very insensitive, with mass explosion hazard		
12.	All	No thresholds <u>limit</u>
Subclass 1.6N: Extremely insensitive, no mass explosion hazard		
13.	All	No thresholds <u>limit</u>

Table A6.1.2 Class 2 - Gases and aerosols

Substance		Quantity limit
Subclass 2NH: Non Hazardous		
1.	All	10m ³
Subclass 2.1.1A (GHS category 1A and 1B): High Hazard Flammable Gases		

2.	<u>LPG for residential activities</u> LPG (incl. propane-based refrigerant) in cylinders or multi-vessel tanks	<u>300kg {LPG Association of New Zealand appeal point 178}</u> <u>200kg Total Outdoor Storage Quantity</u>
3.	<u>LPG for all other activities</u> LPG (incl. propane-based refrigerant) in below-ground or above-ground single-vessel tanks	<u>6 tonnes (6000kg) {LPG Association of New Zealand appeal point 178}</u> 0
4.	LPG propane-based refrigerant in commercial receivers	0
5.	Acetylene	1m ³
6.	Hydrogen, methane and all other permanent gases	0
Subclass 2.1.1B (GHS category 2): Medium hazard flammable gases		
7.	Anhydrous ammonia refrigerant	0
8.	All other 2.1.1B	No thresholds <u>limit</u>
Subclass 2.1.2A (GHS category 1, 2, 3): Flammable aerosols		
9.	All	20 Litres

Table A6.1.3 Class 3 - Flammable liquids

Substance		Quantity limit
X.	<u>All Class 3 - Flammable liquids</u>	<u>Certified super vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 Litres</u>
Subclass 3.1A (GHS category 1) Liquid: Very high hazard (flash point less than 23°C, initial boiling point less than 35°C)		
1.	Petrol (stored above-ground in containers with capacity less than 450 Litres but no storage in metal drums) {The Oil Companies appeal point 350}	a. 10 Litres inside dwelling b. 50 Litres outside dwelling
2.	Petrol (stored above-ground in containers with capacity more than 450 Litres) {The Oil Companies appeal point 350}	0
3.	Liquid petroleum fuels in below-ground single vessel tanks {Cl.16 minor amendment}	0
4.	All other <u>3.1A (GHS category 1)</u>	0
Subclass 3.1B (GHS category 2) Liquid: High hazard (flash point less than 23°C, initial boiling point more than 35°C)		
5.	Liquid petroleum fuels in below-ground single vessel tanks	0

6.	Petrol plus any subclass 3.1B substance - cumulative total limit (no storage in metal drums) {The Oil Companies appeal point 350}	a. 10 Litres inside dwelling b. 50 Litres outside dwelling
7.	All other - e.g. acetone, paint spray thinners, pure alcohol (stored above-ground in containers with capacity less than 450 Litres) {The Oil Companies appeal point 350}	10 Litres
8.	All other - e.g. acetone, paint spray thinners, pure alcohol (stored above-ground in containers with capacity more than 450 Litres) {The Oil Companies appeal point 350}	0
Subclass 3.1C (GHS category 3) Liquid: Medium hazard (flash point more than 23°C, but less than 35°C)		
9.	Liquid petroleum fuels in below-ground single vessel tanks	0
10.	All - kerosene, aviation kerosene (stored above-ground in containers with capacity less than 450 Litres) {The Oil Companies appeal point 350}	a. 20 Litres inside dwelling b. 50 Litres outside dwelling
11.	All - kerosene, aviation kerosene (stored above-ground in containers with capacity more than 450 Litres) {The Oil Companies appeal point 350}	0
Subclass 3.1D (GHS category 4) Liquid: Low hazard (flash point more than 60°C, but less than 93°C)		
12.	Liquid petroleum fuels in below-ground single vessel tanks	0
13.	All - e.g. diesel, petroleum, fuel oils (stored above-ground in containers with capacity less than 450 Litres)	a. 20 Litres inside dwelling b. 200 Litres outside dwelling {The Oil Companies appeal point 350}
14.	All - e.g. diesel, petroleum, fuel oils (stored above-ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 450 460 Litres b. Certified double skin tanks: 600 5000 Litres {The Oil Companies appeal point 350} c. Certified super-vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 Litres {The Oil Companies appeal point 350}
Subclass 3.2A, 3.2B, 3.2C (GHS category 1, 2, 3): Liquid desensitised explosive - High, medium and low hazard		
15.	All substances	0

Table A6.1.4 Class 4 – Flammable solids (GHS category 1-3 and self-reactive substances and mixtures Type A-G)

Substance	Quantity limit
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All hazardous substances sub-classes and hazard classifications		
1.	All substances	0

Table A6.1.5 Class 5 - Oxidising substances		
Substance		Quantity limit
Subclass 5.1.1A-C (<u>GHS category 1, 2, 3</u>): Liquids and solids		
1.	All substances	10 Litres if liquid, 10kg if solid
Subclass 5.1.2A (<u>GHS category 1</u>): Gases		
2.	Oxygen (except as stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within medical facilities)	a. Subclass 5.5m³, except: i. <u>there is no limit if stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within hospitals and registered health practitioners {The Oil Companies appeal point 350}</u>
3.	Nitrous oxide (except as stored and used in accordance with HSNO and Hazardous Substance Regulations requirements within medical facilities)	a. <u>0, except:</u> i. <u>there is no limit if stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within hospitals and registered health practitioners {The Oil Companies appeal point 350}</u>
4.	Chlorine	0
Subclass 5.2A-G: Organic Peroxide - Types A-G		
5.	All - e.g. MEKP Polyester resin catalyst	0.5 Litres

Table A6.1.6 Class 6 - Toxic substances		
Substance		Quantity limit

Subclass 6.1A-C (<u>GHS category 1, 2, 3</u>): Acutely toxic		
1.	Anhydrous ammonia refrigerant	0
2.	Chlorine	0
3.	All other substances	0
Subclass 6.1D (GHS category 4) and 6E (GHS category 1 - aspiration hazard & GHS category 3 - respiratory tract irritant)		
4.	Sodium chloride	5kg 200kg
5.	All other substances	1kg
Subclass 6.3A (<u>GHS category 4</u>) and B: Skin irritant		
6.	All	1kg
Subclass 6.4A (<u>GHS category 2</u>): Eye irritant		
7.	Cement, hydrated lime and burnt lime	400kg
8.	Sodium chloride	5kg
9.	All others	1kg
Subclass 6.5A and B (GHS category 1): Respiratory and contact sensitizers		
10.	Cement, hydrated lime and burnt lime	400kg
11.	All others	1kg
Subclass 6.6A and B (<u>GHS category 1, 2</u>): Human mutagens		
12.	All	1kg
Subclass 6.7A and B (<u>GHS category 1, 2</u>): Carcinogens		
13.	All	1kg
Subclass 6.8A-C (<u>GHS category 1, 2</u>): Human reproductive or developmental toxicants		
14.	All	01kg {The Oil Companies appeal point 350}
Subclass 6.9A and B (<u>GHS category 1, 2</u>): Substances affecting human target organs or systems		
15.	All	01kg {The Oil Companies appeal point 350}

Table A6.1.7 Class 7 - Radioactive materials

Substance	Quantity limit
1. All substances	Up to 100 times the quantities specified in the Type A transport package limit, as identified in the International Atomic

	Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material. Examples include: domestic smoke detectors and demonstration radioactive sources in school laboratories. <u>No limit</u> {University of Otago appeal point 213}
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Note A6.1.7A - Other requirements outside of the District Plan

1. ~~These substances~~ Radioactive materials are controlled through the ~~Radiation Protection Act 1965~~ Radiation Safety Act 2016 and the Radiation Safety Regulations 2016 rather than HSNO and Hazardous Substances Regulations. ~~{Cl.16 of the first schedule of the RMA}~~ {University of Otago appeal point 213}

Table A6.1.8 Class 8 - Corrosives

Substance		Quantity limit
Subclass 8.1A (<u>GHS category 1</u>): Substances corrosive to metals		
1.	All	5 Litres
Subclass 8.2A-C (<u>GHS category 1A, 1B, 1C</u>): Substances corrosive to skin		
2.	Cement, hydrated lime and burnt lime	400kg
3.	All <u>other</u>	5 Litres
Subclass 8.3A (<u>GHS category 1</u>): Substances corrosive to the eye		
4.	Cement, hydrated lime and burnt lime	400kg
5.	All <u>other</u>	5 Litres

Table A6.1.9 Class 9 – Ecotoxics

GHS

- Hazardous to the aquatic environment (category 1-4)
- Hazardous to the terrestrial environment (hazardous to soil organisms, terrestrial vertebrates, terrestrial invertebrates and designed for biocidal action)

Substance		Quantity limit
Subclass 9.1A-D: Aquatic ecotoxics and Subclass 9.2A-D: Soil ecotoxics		
1.	All 9.1D and 9.2D outside the National Grid Yard All substances in below ground tank storage	No limit {Cl.16 minor amendment} See base class thresholds.
2.	All <u>other</u> substances in all other locations	a. 0, <u>except:</u> i. <u>5000 Litres if within a secondary</u>

		<u>containment system</u> <i>{The Oil Companies appeal point 350}</i>
Subclass 9.3A-C: Terrestrial vertebrate ecotoxics		
3.	All substances in all locations	See base class thresholds.
Subclass 9.4A-C: Terrestrial invertebrate ecotoxics		
4.	All substances in all locations	See base class thresholds.

A6.2 Commercial and Mixed Use, Industrial, Stadium, Moana Pool, Edgar Centre and Taieri Aerodrome Zones Group B [also replaces A6.3, A6.4 and A6.5]

1. ~~Tables A6.2.1 – A6.2.9 specify the hazardous substances quantity limits for the commercial and mixed use (excluding Smith Street and York Place Zone), industrial, Stadium, Moana Pool, Edgar Centre and Taieri Aerodrome zones.~~

2. ~~Except:~~

a. ~~where any site within these zones contains residential activity the quantity limits for the residential zone, as specified in Appendix A6.1, apply.~~

b. ~~the following are exempt from the hazardous substances quantity limits:~~

i. ~~in the industrial zones, the transit and two hour storage maximum of tracked hazardous substances transit and 72 hour storage maximum of non-tracked hazardous substances;~~

ii. ~~the storage and use of hazardous substances for domestic purposes, associated with a lawfully established residential activity, excluding home occupation. The hazardous substance(s) must form part of a consumer product intended for domestic use. The product must be stored in the container or packaging in which it was sold, and used in accordance with the manufacturer's instructions;~~

iii. ~~the storage and use of fuel and other substances that are contained in the fuel system, electrical system or control system of motor vehicles, boats, aircraft and small engines; and~~

iv. ~~the storage and use of transformer cooling oils in electricity transformers.~~

1. Tables A6.2.1 - A6.2.9 specify the hazardous substances quantity limits for the activities and areas set out in Rule 9.3.4.1.b, which are:

a. all activities except residential activities in:

1. commercial and mixed use zones (except SSYP);
 2. major facility zones (except Ashburn Clinic, Campus, Mercy Hospital, Port, Wakari Hospital and Schools);
 3. rural zones;
 4. rural residential zones; and
 5. Recreation Zone
- b. all activities in any part of Industrial or Industrial Port zones except residential activities, where the storage or use of hazardous substances is located within 100m of the boundary of any other zone, except another industrial zone or the Port Zone; and:
1. the activity is located within a hazard 2 (flood), or hazard 2 (land instability), overlay zone; or
 2. the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of Class 8 (GHS category 1, 1A, 1B and 1C) or Class 9 (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances, where Table A6.2.8 and Table A6.2.9 only apply.

{The Oil Companies appeal point 350}

2. Where a substance is listed by name only the specific class quantity limit where the substance is listed applies and other class quantity limits do not apply. All volumes listed for quantity limits will be aggregated i.e. as a permitted activity a site may hold the maximum thresholds limit identified of each Class 1 plus Class 2 plus Class 3 and/or Class 4.1.3A C plus Class 4.2A plus 4.3A etc.
3. Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight will be considered (for the purposes of the hazardous substance quantity limits) to be that present in conditions of 20°C and 101.3kPa.
4. The permitted quantity ~~thresholds~~ limits apply per site, except for in the commercial and mixed use and Industrial or Industrial Port zones ~~industrial zones~~, where the permitted quantity ~~thresholds~~ limits apply per hazardous sub-facility. Each hazardous sub-facility must be separated from any other hazardous sub-facility on the same site and meet the following locational requirements:
 - a. if located external to a building, the gazetted¹ or regulated controls¹ for "protected place" and "public place" apply, and the location is such that the "controlled zone" or tabled separation distances of each facility do not overlap; or

- b. if permitted to be located inside a building by the gazetted¹ or regulated controls¹, or referenced standards pursuant to HSNO, then each hazardous sub-facility must be located in a separate fire cell.

¹ Health and Safety at Work (Hazardous Substances) Regulations 2017 for work places and Hazardous Substances (Hazardous Property Controls) Notice 2017 for places that are not workplaces.

{References to GHS classification system added through cl.16 of the first schedule of the RMA}

Table A6.2.1 Class 1 - Explosives (GHS unstable explosive)

Substance		Quantity limit
Subclass 1.1A-G, J, L: Mass explosion hazard		
1.	Gunpowder and black powder	15kg
2.	Display fireworks	0
3.	Industrial explosives (e.g. TNT) and all other Subclass 1.1	25kg
Subclass 1.2B-L: Projection hazard		
4.	All	No thresholds <u>limit</u>
Subclass 1.3C, F-L: Fire and minor blast hazard		
5.	Smokeless ammunition reloading powder	50kg
Subclass 1.3C, F-L: Fire and minor blast hazard		
6.	Retail fireworks	No thresholds <u>limit</u> - refer to Hazardous Substances(Fireworks) Regulations 2001
7.	All other Subclass 1.3	No thresholds <u>limit</u>
Subclass 1.4B-G, S: No significant hazard		
8.	Safety ammunition and flares	50kg
9.	Retail fireworks	No thresholds <u>limit</u> refer to Hazardous Substances (Fireworks) Regulations 2001
10.	Sodium Azide	0 {Cl.16 minor amendment}
11.	All other Subclass 1.4	No thresholds <u>limit</u>
Subclass 1.5D: Very insensitive, with mass explosion hazard		
12.	All	No thresholds <u>limit</u>
Subclass 1.6N: Extremely insensitive, no mass explosion hazard		
13.	All	No thresholds <u>limit</u>

Table A6.2.2 Class 2 - Gases and aerosols

Substance		Quantity limit
Subclass 2NH: Non Hazardous		
1.	All	<u>1000kg</u> <u>200m³</u>
Subclass 2.1.1A (GHS category 1A and 1B): High Hazard Flammable Gases		
2.	LPG (incl. propane-based refrigerant) in cylinders or multi-vessel tanks	450kg Total Outdoor Storage Quantity {LPG Association of New Zealand appeal point 178}
3.2.	<u>LPG for all activities, except residential activities</u> LPG (incl. propane-based refrigerant) in below-ground or above-ground single vessel tanks	<u>6 tonnes (6000kg) {LPG Association of New Zealand appeal point 178}</u> <u>0</u>
4.3.	<u>All other 2.1.1A</u> LPG propane-based refrigerant in commercial receivers	<u>50kg-1000kg</u>
5.	Acetylene	<u>2m³</u> {The Oil Companies appeal point 350}
6.	Hydrogen, methane and all other permanent gases	<u>0</u> {The Oil Companies appeal point 350}
Subclass 2.1.1B (GHS category 2): Medium hazard flammable gases		
7.	Anhydrous ammonia refrigerant	<u>140 1000kg</u> {The Oil Companies appeal point 350}
8.	All other Subclass 2.1.1B	No thresholds <u>limit</u>
Subclass 2.1.2A (GHS category 1, 2, 3): Flammable aerosols		
9.	All	450 Litres <u>1000kg</u> {The Oil Companies appeal point 350}

Table A6.2.3 Class 3 - Flammable liquids

Substance		Quantity limit
X.	All Class 3 - Flammable liquids	<u>Certified super vault tanks constructed to South Western Research Institute (SWRI) standards:</u> a. <u>30,000 Litres in the DIA Zone</u> b. <u>10,000 Litres in all other zones</u> {The Oil Companies appeal point 350}
Subclass 3.1A (GHS category 1) Liquid: Very high hazard (flash point less than 23°C, initial		

boiling point less than 35°C)		
1.	Petrol (stored above-ground in containers with capacity less than 450 Litres)	a. 50 Litres (any storage except metal drums) b. 250 Litres (in dangerous goods cabinet approved to AS 1940) c. 420 Litres (in approved HSNO or Hazardous Substances Regulations 'type' stores) {The Oil Companies appeal point 350}
2.	Petrol (stored above-ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 0 b. Certified double skin tanks: 600 2000 Litres {The Oil Companies appeal point 350}
3.	Liquid petroleum fuels in below-ground single vessel tanks	0
4.	All other (stored above-ground in containers with capacity less than 450 Litres)	50 Litres
5.	All other (stored above-ground in containers with capacity more than 450 Litres or stored below-ground)	0 {The Oil Companies appeal point 350}
Subclass 3.1B (GHS category 2) Liquid: High hazard (flash point less than 23°C, initial boiling point more than 35°C)		
6.	Liquid petroleum fuels in below-ground single vessel tanks	0
7.	Petrol plus any subclass 3.1B substance - cumulative total limit (must not be stored in metal drums)	a. 10 Litres inside dwelling b. 50 Litres outside dwelling {The Oil Companies appeal point 350}
8.	All other - e.g. acetone, paint spray thinners, pure alcohol (stored in above-ground in containers with capacity less than 450 Litres) {The Oil Companies appeal point 350}	a. 10 Litres (any storage) b. 250 Litres (in dangerous goods cabinet approved to AS 1940) a. c 450 Litres (in approved HSNO or Hazardous Substances Regulations 'type' stores) b. d Retail activity 1500m² or more in gross floor area only: 1500 Litres in containers of up to 5 Litres each
9.	All other - e.g. acetone, paint spray thinners, pure alcohol (stored above-ground in containers with capacity more than 450 Litres)	0 {The Oil Companies appeal point 350}
Subclass 3.1A: petrol plus 3.1B (GHS category 1 & 2)		
10.	Petrol plus any 3.1B substance - cumulative total limit	<u>2000 Litres</u> a. 50 Litres (any storage except metal drums) b. 250 Litres (in dangerous goods cabinet approved to AS 1940) c. 420 Litres (in approved HSNO or Hazardous Substances Regulations 'type' stores) {The Oil Companies appeal point 350}

Subclass 3.1C (GHS category 3) Liquid: Medium hazard (flash point more than 23°C, but less than 35°C)

11.	Liquid petroleum fuels in below-ground single vessel tanks	0
12.	All kerosene, aviation kerosene (stored above-ground in containers with capacity less than 450 Litres)	a. 10 Litres (any storage) b. 250 Litres (in dangerous goods cabinet approved to AS 1940) c. 450 Litres (in approved HSNQ or Hazardous Substances Regulations 'type' stores) d. Retail activity 1500m² or more in gross floor area only; 1500 Litres in containers of up to 5 Litres each (The Oil Companies appeal point 350)
13.	All - kerosene, aviation kerosene (stored <u>in</u> above-ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 450 <u>460</u> Litres b. Certified double skin tanks: 2000 Litres (The Oil Companies appeal point 350)

Subclass 3.1D (GHS category 4) Liquid: Low hazard (flash point more than 60°C, but less than 93°C)

14.	<u>All 3.1D</u> Liquid petroleum fuels in below-ground single vessel tanks	<u>No limit</u> 0
15.	All e.g. diesel, petroleum, fuel oils (stored above-ground in containers with capacity less than 450 Litres)	a. 20 Litres inside dwelling b. 209 Litres outside dwelling (The Oil Companies appeal point 350)
16.	All e.g. diesel, petroleum, fuel oils (stored <u>in</u> above-ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 450 Litres b. Certified double skin tanks: 2000 Litres c. Certified super vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 Litres (The Oil Companies appeal point 350)

Subclass 3.2A, 3.2B, 3.2C (GHS category 1, 2, 3): Liquid desensitised explosive - High, medium and low hazard

17.	All substances	0
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Table A6.2.4 Class 4 - Flammable solids

Substance	Quantity limit
Subclass 4.1.1A (GHS category 1): Readily combustible solids and solids that may cause fire through friction (medium hazard)	
1. All	50kg

Subclass 4.1.1B (<u>GHS category 2</u>) Readily combustible solids and solids that may cause fire through friction (low hazard)		
2.	All	500kg
Subclass 4.1.2A-B: Self reactive - Types A and B		
3.	All	50kg
Subclass 4.1.2C-G: Self reactive - Types C-G		
4.	All	500kg
Subclass 4.1.3A-C (<u>GHS category 1, 2, 3</u>): Solid desensitized explosives		
5.	All	05kg
Subclass 4.2A-B (<u>GHS category 1</u>): Spontaneously combustible - Pyrophoric substances (high hazard and self heating substances: medium hazard)		
6.	All	50kg
Subclass 4.2C (<u>GHS category 2</u>): Spontaneously combustible (self heating substances: low hazard)		
7.	All	500kg
Subclass 4.3A-B (<u>GHS category 1 & 2</u>): Solids that emit flammable gas when wet (high and medium hazard)		
8.	All	50kg
Subclass 4.3C (<u>GHS category 3</u>): Solids that emit flammable gas when wet (low hazard)		
9.	All	500kg

Table A6.2.5 Class 5 - Oxidising substances

Substance		Quantity limit
Subclass 5.1.1A-C (<u>GHS category 1, 2, 3</u>): Liquids and solids		
1.	All substances	200 Litres if liquid, 200kg if solid
Subclass 5.1.2A (<u>GHS category 1</u>): Gases		

2.	Oxygen (except as stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within medical facilities)	a. 1000m ³ , except: i. <u>No limit if stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within hospitals and registered health practitioners medical facilities</u> <i>{The Oil Companies appeal point 350}</i>
3.	Nitrous oxide (except as stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within medical facilities)	a. 30 times 8-gram nitrous oxide cartridges for catering purposes only, except: i. <u>No limit if stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within hospitals and registered health practitioners medical facilities</u> <i>{The Oil Companies appeal point 350}</i>
4.	Chlorine	0
Subclass 5.2A-G: Organic Peroxide - Types A-G		
5.	All - e.g. MEKP Polyester resin catalyst	16 Litres

Table A6.2.6 Class 6 - Toxic substances

Substance	Quantity limit
Subclass 6.1A-C (GHS category 1, 2, 3): Acutely toxic	
1. All 6.1A-C Anhydrous ammonia-refrigerant	140kg 5000 Litres <i>{The Oil Companies appeal point 350}</i>
2. Chlorine	0
3. All other substances	20 Litres if liquid, 20kg if solid
Subclass 6.1D (GHS category 4) and 6.1E (GHS category 1 - aspiration hazard & GHS category 3 - respiratory tract irritant)	
42. <u>All 6.1D and 6.1E located outside the National Grid Yard</u> Sodium chloride	<u>No limit</u> <i>{Cl.16 minor amendment}</i> 200 1000kg <i>{The Oil Companies appeal point 350}</i>
5 3. <u>All 6.1D and 6.1E located within the National Grid Yard</u> All other substances	200 1000kg <i>{The Oil Companies appeal point 350}</i>

Subclass 6.3A (GHS category 4) and 6.3B: Skin irritant		
4.	All 6.3A and 6.3B located outside the National Grid Yard	No limit (Cl.16 minor amendment)
65.	All 6.3A and 6.3B located within the National Grid Yard	2000kg
Subclass 6.4A (GHS category 2): Eye irritant located outside the National Grid Yard		
6	All 6.4A located outside the National Grid Yard	No limit
Subclass 6.4A (GHS category 2): Eye irritant located within the National Grid Yard (Cl.16 minor amendment)		
7.	Cement, hydrated lime and burnt lime	50 tonnes
8.	Sodium chloride	200 1000kg {The Oil Companies appeal point 350}
9.	All others	2000kg
Subclass 6.5A and B (GHS category 1): Respiratory and contact sensitizers		
10.	Cement, hydrated lime and burnt lime	50 tonnes
11.	All others	2000kg
Subclass 6.6A and B (GHS category 1, 2): Human mutagens		
12.	All	2000kg
Subclass 6.7A and B (GHS category 1, 2): Carcinogens		
13.	All	200 1000kg {The Oil Companies appeal point 350}
Subclass 6.8A-C (GHS category 1, 2): Human reproductive or developmental toxicants		
14.	All	02000kg {The Oil Companies appeal point 350}
Subclass 6.9A and B (GHS category 1, 2): Substances affecting human target organs or systems		
15.	All	02000kg {The Oil Companies appeal point 350}

Table A6.2.7 Class 7 - Radioactive materials

Substance	Quantity limit
1. All substances	Up to 100 times the quantities specified in the Type A transport package limit, as identified in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material. Examples include: domestic smoke detectors and demonstration radioactive sources in school laboratories. No limit

	{University of Otago appeal point 213}
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Note A6.2.7A - General advice

1. ~~These substances~~ Radioactive materials are controlled through the ~~Radiation Protection Act 1965~~ Radiation Safety Act 2016 and the Radiation Safety Regulations 2016 rather than HSNO and Hazardous Substances Regulations. ~~{cl.16 of the first schedule of the RMA}~~
{University of Otago appeal point 213}

Table A6.2.8 Class 8 - Corrosives

Substance		Quantity limit
Subclass 8.1A (<u>GHS category 1</u>): Substances corrosive to metals		
1.	All	a. 1000 Litres, <u>except:</u> i. <u>5000 Litres if within a secondary containment system</u> b. {The Oil Companies appeal point 350}
Subclass 8.2A-C (<u>GHS category 1A, 1B, 1C</u>): Substances corrosive to skin		
2.	Cement, hydrated lime and burnt lime	50 T tonnes
3.	All other	1000 <u>5000</u> Litres
Subclass 8.3A (<u>GHS category 1</u>): Substances corrosive to the eye		
4.	Cement, hydrated lime and burnt lime	50 T tonnes
5.	All other	a. 1000 Litres, except: i. <u>5000 Litres if within a secondary containment system</u> a. 5000 Litres in Recreation, rural, rural residential and Dunedin Botanic Gardens zones b. 1000 Litres in all other zones {The Oil Companies appeal point 350}

Table A6.2.9 Class 9 – Ecotoxics

GHS

- Hazardous to the aquatic environment (category 1-4)
- Hazardous to the terrestrial environment (hazardous to soil organisms, terrestrial vertebrates, terrestrial invertebrates and designed for biocidal action)

Substance		Quantity limit
All Class 9 – Ecotoxics Subclass 9.1A-D: Aquatic ecotoxics and Subclass 9.2A-D: Soil ecotoxics		
1.	All 9.1D and 9.2D outside the National Grid Yard All substances in below ground tank storage	No limit {Cl.16 minor amendment} See base class thresholds.
1.2.	All other substances in all other locations	a. 0, except: i. 5000 Litres if within a secondary containment system {The Oil Companies appeal point 350}
Subclass 9.3A-C: Terrestrial vertebrate ecotoxics		
3.	All substances in all locations	See base class thresholds.
Subclass 9.4A-C: Terrestrial invertebrate ecotoxics		
4.	All substances in all locations	See base class thresholds.

~~A6.2 Commercial and Mixed Use, Industrial, Stadium, Moana Pool, Edgar Centre and Taieri Aerodrome Zones~~ A6.3 Group C

~~1. Tables A6.2.1 – A6.2.9 specify the hazardous substances quantity limits for the commercial and mixed use (excluding Smith Street and York Place Zone), industrial, Stadium, Moana Pool, Edgar Centre and Taieri Aerodrome zones.~~

~~2. Except:~~

~~a. where any site within these zones contains residential activity the quantity limits for the residential zone, as specified in Appendix A6.1, apply.~~

~~b. the following are exempt from the hazardous substances quantity limits:~~

~~i. in the industrial zones, the transit and two hour storage maximum of tracked hazardous substances transit and 72 hour storage maximum of non-tracked hazardous substances;~~

~~ii. the storage and use of hazardous substances for domestic purposes, associated with a lawfully established residential activity, excluding home occupation. The hazardous substance(s) must form part of a consumer product intended for domestic use. The product must be stored in the container or packaging in which it was sold, and used in accordance with the manufacturer's instructions;~~

~~iii. the storage and use of fuel and other substances that are contained in the fuel system, electrical system or control system of motor vehicles, boats, aircraft and small engines; and~~

~~iv. the storage and use of transformer cooling oils in electricity transformers.~~

1. Tables A6.3.1 - A6.3.9 specify the hazardous substances quantity limits for the activities and areas set out in Rule 9.3.4.1.d, which are:

a. all activities in any part of Industrial or Industrial Port zones, except residential activities, where the storage or use of hazardous substances is not located within 100m of the boundary of any other zone, other than another industrial zone or the Port Zone; and:

i. the activity is located within a hazard 2 (flood) or hazard 2 (land instability) overlay zone; or

ii. the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances, where Table A6.3.8 and Table A6.3.9 only apply.

2. ~~3.~~ Where a substance is listed by name only the specific class quantity limit where the substance is listed applies and other class quantity limits do not apply. All volumes listed for quantity limits will be aggregated i.e. as a permitted activity a site may hold the maximum thresholds limit identified of each Class 1 plus Class 2 plus Class 3 and/or Class 4.1.3A C plus Class 4.2A plus 4.3A etc.

3. ~~4.~~ Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight will be considered (for the purposes of the hazardous substance quantity limits) to be that present in conditions of 20°C and 101.3kPa.

4. The permitted quantity ~~thresholds~~ limits apply per hazardous sub-facility. Each hazardous sub-facility must be separated from any other hazardous sub-facility on the same site and meet the following locational requirements:

a. if located external to a building, the gazetted¹ or regulated controls¹ for "protected place" and "public place" apply, and the location is such that the "controlled zone" or tabled separation distances of each facility do not overlap; or

b. if permitted to be located inside a building by the gazetted¹ or regulated controls¹, or referenced standards pursuant to HSNO, then each hazardous sub-facility must be located in a separate fire cell.

¹ Health and Safety at Work (Hazardous Substances) Regulations 2017 for work places and Hazardous Substances (Hazardous Property Controls) Notice 2017 for places that are not workplaces.

{References to GHS classification system added through Cl.16 of the first schedule of the RMA}

Table A6.3.12.1 Class 1 - Explosives (GHS unstable explosive)

Substance		Quantity limit
Subclass 1.1A-G, J, L: Mass explosion hazard		
1.	Gunpowder and black powder	15kg
2.	Display fireworks	0
3.	Industrial explosives (e.g. TNT) and all other Subclass 1.1	25kg
Subclass 1.2B-L: Projection hazard		
4.	All	No thresholds <u>limit</u>
Subclass 1.3C, F-L: Fire and minor blast hazard		
5.	Smokeless ammunition reloading powder	50kg
Subclass 1.3C, F-L: Fire and minor blast hazard		
6.	Retail fireworks	No thresholds - refer to Hazardous Substances(Fireworks) Regulations 2001
7.	All other Subclass 1.3	No thresholds <u>limit</u>
Subclass 1.4B-G, S: No significant hazard		
8.	Safety ammunition and flares	50kg
9.	Retail fireworks	No thresholds limit - refer to Hazardous Substances (Fireworks) Regulations 2001
10.	Sodium Azide	0 {Cl.16 minor amendment}
11.	All other Subclass 1.4	No thresholds <u>limit</u>
Subclass 1.5D: Very insensitive, with mass explosion hazard		
12.	All	No thresholds <u>limit</u>
Subclass 1.6N: Extremely insensitive, no mass explosion hazard		
13.	All	No thresholds <u>limit</u>

Table A6.32.2 Class 2 - Gases and aerosols

Substance		Quantity limit
Subclass 2NH: Non Hazardous		
1.	All	200m ³
Subclass 2.1.1A (GHS category 1A and 1B): High Hazard Flammable Gases		

21.	LPG for all activities, except residential activities (incl. propane-based refrigerant) in cylinders or multi-vessel tanks	450kg total outdoor storage quantity 10 tonnes (10,000kg) {The Oil Companies appeal point 350}
22.	LPG (incl. propane-based refrigerant) in below ground or above ground single vessel tanks	0
4.	LPG propane-based refrigerant in commercial receivers	50kg
5.	Acetylene	2m ³
6.	Hydrogen, methane and all other permanent gases	0
Subclass 2.1.1B: Medium hazard flammable gases		
72.	Anhydrous ammonia refrigerant	140 1000kg
83.	All other Subclass 2.1.1B	No limit thresholds
Subclass 2.1.2A: Flammable aerosols All other class 2 (GHS category 1, 2, 3) gases and aerosols		
9.	All	450 Litres 1000kg {The Oil Companies appeal point 350}

Table A6.32.3 Class 3 - Flammable liquids

Substance	Quantity limit
<u>Subclass 3.1D (GHS category 4) Liquid: Low hazard (flash point more than 60°C, but less than 93°C)</u>	
1. All	No limit
<u>All other Class 3 (GHS category 1, 2, 3) Flammable liquids</u>	
2. All	a. 5000 Litres, except: i. 10,000 Litres (if within certified super vault tanks constructed to South Western Research Institute (SWRI) standards) {The Oil Companies appeal point 350}
<u>Subclass 3.1A Liquid: Very high hazard (flash point less than 23°C, initial boiling point less than 35°C)</u>	
1. Petrol (stored above ground in containers with capacity less than 450 Litres)	a. 50 Litres (any storage except metal drums) b. 250 Litres (in dangerous goods cabinet approved to AS 1940) c. 420 Litres (in approved HSN0 or Hazardous Substances Regulations 'type' stores)
2. Petrol (stored above ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 0 b. Certified double skin tanks: 600 Litres

3.	Liquid petroleum fuels in below-ground single vessel tanks	0
4.	All other (stored above-ground in containers with capacity less than 450 Litres)	50 Litres
5.	All other (stored above-ground in containers with capacity more than 450 Litres or stored below ground)	0
Subclass 3.1B Liquid: High hazard (flash point less than 23°C, initial boiling point more than 35°C)		
6.	Liquid petroleum fuels in below-ground single vessel tanks	0
7.	Petrol plus any subclass 3.1B substance—cumulative total limit (must not be stored in metal drums)	a. — 10 Litres inside dwelling b. — 50 Litres outside dwelling
8.	All other—e.g. acetone, paint spray thinners, pure alcohol (stored above-ground in containers with capacity less than 450 Litres)	a. — 10 Litres (any storage) b. — 250 Litres (in dangerous goods cabinet approved to AS 1940) c. — 450 Litres (in approved HSNQ or Hazardous Substances Regulations 'type' stores) d. — Retail activity 1500m ² or more in gross floor area only: 1500 Litres in containers of up to 5 Litres each
9.	All other—e.g. acetone, paint spray thinners, pure alcohol (stored above-ground in containers with capacity more than 450 Litres)	0
Subclass 3.1A: petrol plus 3.1B		
10.	Petrol plus any 3.1B substance—cumulative total limit	a. — 50 Litres (any storage except metal drums) b. — 250 Litres (in dangerous goods cabinet approved to AS 1940) c. — 420 Litres (in approved HSNQ or Hazardous Substances Regulations 'type' stores)
Subclass 3.1C Liquid: Medium hazard (flash point more than 23°C, but less than 35°C)		
11.	Liquid petroleum fuels in below-ground single vessel tanks	0
12.	All—kerosene, aviation kerosene (stored above-ground in containers with capacity less than 450 Litres)	a. — 10 Litres (any storage) b. — 250 Litres (in dangerous goods cabinet approved to AS 1940) c. — 450 Litres (in approved HSNQ or Hazardous Substances Regulations 'type' stores) d. — Retail activity 1500m ² or more in gross floor area only: 1500 Litres in containers of up to 5 Litres each
13.	All—kerosene, aviation kerosene (stored above-ground in containers with capacity more than 450 Litres)	a. — Certified single skin tanks: 450 Litres b. — Certified double skin tanks: 2000

		Litres
Subclass 3.1D Liquid: Low hazard (flash point more than 60°C, but less than 93°C)		
14.	Liquid petroleum fuels in below ground single vessel tanks	0
15.	All — e.g. diesel, petroleum, fuel oils (stored above ground in containers with capacity less than 450 Litres)	a. 20 Litres inside dwelling b. 209 Litres outside dwelling
16.	All — e.g. diesel, petroleum, fuel oils (stored above ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 450 Litres b. Certified double skin tanks: 2000 Litres c. Certified super vault tanks constructed to South Western Research Institute (SWRI) standards: 10,000 Litres
Subclass 3.2A, 3.2B, 3.2C: Liquid desensitised explosive — High, medium and low hazard		
17.	— All substances	0

Table A6.32.4 Class 2 - Class 4 - Flammable solids

Substance		Quantity limit
Subclass 4.1.1A (GHS category 1): Readily combustible solids and solids that may cause fire through friction (medium hazard)		
1.	All	50kg
Subclass 4.1.1B (GHS category 2): Readily combustible solids and solids that may cause fire through friction (low hazard)		
2.	All	500kg
Subclass 4.1.2A-B: Self reactive - Types A and B		
3.	All	50kg
Subclass 4.1.2C-G: Self reactive - Types C-G		
4.	All	500kg
Subclass 4.1.3A-C (GHS category 1, 2, 3): Solid desensitized explosives		
5.	All	0.5kg <i>(The Oil Companies appeal point 350)</i>
Subclass 4.2A-B (GHS category 1): Spontaneously combustible - Pyrophoric substances (high hazard and self heating substances: medium hazard)		
6.	All	50kg
Subclass 4.2C (GHS category 2): Spontaneously combustible (self heating substances: low hazard)		
7.	All	500kg
Subclass 4.3A-B (GHS category 1 & 2): Solids that emit flammable gas when wet (high and		

medium hazard)		
8.	All	50kg
Subclass 4.3C (GHS category 3): Solids that emit flammable gas when wet (low hazard)		
9.	All	500kg

Table A6.32.5 Class 5 - Oxidising substances

Substance		Quantity limit
<u>All Class 5 Oxidising substances (GHS category 1, 2, 3 and Types A-G)</u>		
1.	All	5000kg {The Oil Companies appeal point 350}
<u>Subclass 5.1.1A-C: Liquids and solids</u>		
1.	All substances	200 Litres if liquid, 200kg if solid
<u>Subclass 5.1.2A: Gases</u>		
2.	Oxygen (except as stored and used in accordance with HSNQ and Hazardous Substances Regulations requirements within medical facilities)	1000m ³
3.	Nitrous oxide (except as stored and used in accordance with HSNQ and Hazardous Substances Regulations requirements within medical facilities)	0 times 8-gram nitrous oxide cartridges for catering purposes only
4.	Chlorine	0
<u>Subclass 5.2A-G: Organic Peroxide – Types A-G</u>		
5.	All – e.g. MEKP Polyester resin catalyst	16 Litres

Table A6.32.6 Class 6 - Toxic substances

Substance		Quantity limit
<u>Subclass 6.1A-C (GHS category 1, 2, 3): Acutely toxic</u>		
1.	All subclass 6.1A-C: Acutely toxic	5000 Litres {The Oil Companies appeal point 350}
1.	Anhydrous ammonia refrigerant	140kg
2.	Chlorine	0

3.	All other substances	20 Litres if liquid, 20kg if solid
Subclass 6.1D (GHS category 4) and 6E (GHS category 1 - aspiration hazard & GHS category 3 - respiratory tract irritant)		
4.	Sodium chloride	200 1000kg
5.	All other substances	200 1000kg {The Oil Companies appeal point 350}
Subclass 6.3A (GHS category 4) and B: Skin irritant		
6.	All	2000kg
Subclass 6.4A (GHS category 2): Eye irritant		
7.	Cement, hydrated lime and burnt lime	50 Ttonnes
8.	Sodium chloride	200 1000kg {The Oil Companies appeal point 350}
9.	All others	2000kg
Subclass 6.5A and B (GHS category 1): Respiratory and contact sensitizers		
10.	Cement, hydrated lime and burnt lime	50 Ttonnes
11.	All others	2000kg
Subclass 6.6A and B (GHS category 1, 2): Human mutagens		
12.	All	2000kg
Subclass 6.7A and B (GHS category 1, 2): Carcinogens		
13.	All	200 1000kg {The Oil Companies appeal point 350}
Subclass 6.8A-C (GHS category 1, 2): Human reproductive or developmental toxicants		
14.	All	0 1000kg {The Oil Companies appeal point 350}
Subclass 6.9A and B (GHS category 1, 2): Substances affecting human target organs or systems		
15.	All	0 5000 Litres {The Oil Companies appeal point 350}

Table A6.32.7 Class 7 - Radioactive materials

Substance	Quantity limit
1. All substances	Up to 100 times the quantities specified in the Type A transport package limit, as identified in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material. Examples include: domestic smoke

	detectors and demonstration radioactive sources in school laboratories. No limit {University of Otago appeal point 213}
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Note A6.32.7A - General advice

1. ~~These substances~~ Radioactive materials are controlled through the ~~Radiation Protection Act 1965~~ Radiation Safety Act 2016 and the Radiation Safety Regulations 2016 rather than HSNO and Hazardous Substances Regulations. ~~{Cl.16 of the first schedule of the RMA}~~
{University of Otago appeal point 213}

Table A6.32.8 Class 8 - Corrosives

Substance		Quantity limit
Subclass 8.1A (GHS category 1): Substances corrosive to metals		
1.	All	a. 1000 Litres, <u>except:</u> i. 5000 Litres if within a secondary <u>containment system</u> {The Oil Companies appeal point 350}
Subclass 8.2A-C (GHS category 1A, 1B, 1C): Substances corrosive to skin		
2.	Cement, hydrated lime and burnt lime	50 Ttonnes
3.	All <u>other</u>	a. 1000 Litres, <u>except:</u> i. 5000 Litres if within a secondary <u>containment system</u> {The Oil Companies appeal point 350}
Subclass 8.3A (GHS category 1): Substances corrosive to the eye		
4.	Cement, hydrated lime and burnt lime	50 Ttonnes
5.	All <u>other</u>	a. 1000 Litres, <u>except:</u> i. 5000 Litres if within a <u>secondary containment system</u> {The Oil Companies appeal point 350}

Table A6.32.9 Class 9 – Ecotoxics

GHS

- Hazardous to the aquatic environment (category 1-4)
- Hazardous to the terrestrial environment (hazardous to soil organisms, terrestrial vertebrates, terrestrial invertebrates and designed for biocidal action)

Substance	Quantity limit
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<u>All Class 9 – Ecotoxics Subclass 9.1A-D: Aquatic ecotoxics and Subclass 9.2A-D: Soil ecotoxics</u>		
1.	All 9.1D and 9.2D outside the National Grid Yard	No limit {Cl.16 minor amendment}
	All substances in below ground tank storage	See base class thresholds.
2.	All <u>other</u> substances in all <u>other</u> locations	<u>a. 0, except:</u> <u>i. 5000 Litres if within a</u> <u>secondary containment</u> <u>system</u> {The Oil Companies appeal point 350}
<u>Subclass 9.3A-C: Terrestrial vertebrate ecotoxics</u>		
3.	All substances in all locations	See base class thresholds.
<u>Subclass 9.4A-C: Terrestrial invertebrate ecotoxics</u>		
4.	All substances in all locations	See base class thresholds.

A6.4 ~~Campus Zone~~3 Dunedin Hospital, Campus, Otago Museum and Invermay and Hercus Zones

1. Tables A6.43.1 - A6.43.9 specify the hazardous substances quantity limits for the Campus Zone. ~~Dunedin Hospital, Campus, Otago Museum and Invermay and Hercus zones.~~
2. Except:
 - a. where any site within this zone ~~these zones~~ contains residential activity the quantity limits for the residential zone, as specified in Appendix A6.1, apply.
 - b. the following are exempt from the hazardous substances quantity limits:
 - i. in the industrial zones, the transit and two-hour storage maximum of tracked hazardous substances transit and 72-hour storage maximum of non-tracked hazardous substances;
 - ii. the storage and use of hazardous substances for domestic purposes, associated with a lawfully established residential activity, excluding home occupation. The hazardous substance(s) must form part of a consumer product intended for domestic use. The product must be stored in the container or packaging in which it was sold, and used in accordance with the manufacturer's instructions;
 - iii. the storage and use of fuel and other substances that are contained in the fuel system, electrical system or control system of motor vehicles, boats, aircraft and small engines; and
 - iv. the storage and use of transformer cooling oils in electricity transformers.
3. All volumes listed for quantity limits will be aggregated i.e. as a permitted activity a site may hold the maximum threshold identified of each Class 1 plus Class 2 plus Class 3 and/or Class 4.1.3A-C plus Class 4.2A plus 4.3A etc.
4. Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight will be considered (for the purposes of the hazardous substance quantity limits) to be that present in conditions of 20°C and 101.3kPa.
5. The permitted quantity thresholds ~~apply per site, except for in the Campus Zone, where the permitted quantity thresholds~~ apply per hazardous sub-facility. Each hazardous sub-facility must be separated from any other hazardous sub-facility on the same site and meet the following locational requirements:
 - a. if located external to a building, the gazetted¹ or regulated controls¹ for "protected place" and "public place" apply, and the location is such that the "controlled zone" or tabled separation distances of each facility do not overlap; or
 - b. if permitted to be located inside a building by the gazetted¹ or regulated controls¹, or referenced standards pursuant to HSNO, then each hazardous sub-facility must be located in a separate fire cell.

¹ Health and Safety at Work (Hazardous Substances) Regulations 2017 for work places and Hazardous Substances (Hazardous Property Controls) Notice 2017 for places that are not workplaces.

Table A6.43.1 Class 1 – Explosives

Substance		Quantity limit
Subclass 1.1A-G, J, L: Mass explosion hazard		
1.	Gunpowder and black powder	0
2.	Display fireworks	0
3.	Industrial explosives (e.g. TNT) and all other Subclass 1.1	0
Subclass 1.2B-L: Projection hazard		
4.	All	No thresholds
Subclass 1.3C, F-L: Fire and minor blast hazard		
5.	Smokeless ammunition reloading powder	0
Subclass 1.3C, F-L: Fire and minor blast hazard		
6.	Retail fireworks	No thresholds - refer to Hazardous Substances (Fireworks) Regulations 2001
7.	All other Subclass 1.3	No thresholds
Subclass 1.4B-G, S: No significant hazard		
8.	Safety ammunition and flares	5kg
9.	Retail fireworks	No thresholds - refer to Hazardous Substances (Fireworks) Regulations 2001
10.	Sodium Azide	0
11.	All other Subclass 1.4	No thresholds
Subclass 1.5D: Very insensitive, with mass explosion hazard		
12.	All	No thresholds
Subclass 1.6N: Extremely insensitive, no mass explosion hazard		
13.	All	No thresholds

Table A6.43.2 Class 2 - Gases and aerosols

Substance		Quantity limit
Subclass 2NH: Non Hazardous		
1.	All	a. 200m ³ b. 500 Litres of non-flammable, non-toxic cryogenic liquids stored in accordance with AS1894:1997
Subclass 2.1.1A: High Hazard Flammable Gases		
2.	LPG (incl. propane-based refrigerant) in cylinders or multi-vessel tanks	450kg total outdoor storage quantity
3.	LPG (incl. propane-based refrigerant) in below-ground or above-ground single vessel tanks	0
4.	LPG propane-based refrigerant in commercial receivers	50kg
5.	Acetylene	30m ³
6.	Hydrogen, methane and all other permanent gases	30m ³
Subclass 2.1.1B: Medium hazard flammable gases		
7.	Anhydrous ammonia refrigerant	0
8.	All other 2.1.1B	No thresholds
Subclass 2.1.2A: Flammable aerosols		
9.	All	450 Litres

Table A6.43.3 Class 3 – Flammable liquids

Substance		Quantity limit
Subclass 3.1A Liquid: Very high hazard (flash point less than 23°C, initial boiling point less than 35°C)		
1.	Petrol (stored above-ground in containers with capacity less than 450 Litres)	a. 2000 Litres
2.	Petrol (stored above-ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 0 b. Certified double skin tanks: 600 Litres
3.	Liquid petroleum fuels in below-ground single vessel tanks	0

4.	All other (stored above-ground in containers with capacity less than 450 Litres)	50 Litres
5.	All other (stored above-ground in containers with capacity more than 450 Litres or stored below ground)	0
Subclass 3.1B Liquid: High hazard (flash point less than 23°C, initial boiling point more than 35°C)		
6.	Liquid petroleum fuels in below-ground single vessel tanks	0
7.	All other - e.g. acetone, paint spray thinners, pure alcohol (stored above-ground in containers with capacity less than 450 Litres)	a. 10 Litres (any storage) b. 250 Litres (in dangerous goods cabinet approved to AS 1940) c. 450 Litres (in approved HSNO or Hazardous Substances Regulations 'type' stores) d. Retail activity 1500m ² or more in gross floor area only: 1500 Litres in containers of up to 5 Litres each
8.	All other - e.g. acetone, paint spray thinners, pure alcohol (stored above-ground in containers with capacity more than 450 Litres)	0
Subclass 3.1A: Petrol plus Subclass 3.1B		
9.	Petrol plus any Subclass 3.1B substance - cumulative total limit	a. 2000 Litres
Subclass 3.1C Liquid: Medium hazard (flash point more than 23°C, but less than 35°C)		
10.	Liquid petroleum fuels in below-ground single vessel tanks	0
11.	All - kerosene, aviation kerosene (stored above-ground in containers with capacity less than 450 Litres)	a. 10 Litres (any storage) b. 250 Litres (in dangerous goods cabinet approved to AS 1940) c. 450 Litres (in approved HSNO or Hazardous Substances Regulations 'type' stores) d. Retail activity 1500m ² or more in gross floor area only: 1500 Litres in containers of up to 5 Litres each
12.	All - kerosene, aviation kerosene (stored above-ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 450 Litres b. Certified double skin tanks: 2000 Litres

Subclass 3.1D Liquid: Low hazard (flash point more than 60°C, but less than 93°C)		
13.	Liquid petroleum fuels in below-ground single vessel tanks	0
14.	All - e.g. diesel, petroleum, fuel oils (stored above-ground in containers with capacity less than 450 Litres)	450 Litres
15.	All - e.g. diesel, petroleum, fuel oils (stored above-ground in containers with capacity more than 450 Litres)	a. Certified single skin tanks: 450 Litres b. Certified double skin tanks: 2000 Litres c. Certified super vault tanks constructed to south western research institute (SWRI) standards: 10,000 Litres
Subclass 3.2A, Subclass 3.2B, Subclass 3.2C: Liquid desensitised explosive - High, medium and low hazard		
16.	All substances	0

Table A6.43.4 Class 4 - Flammable solids

Substance		Quantity limit
Subclass 4.1.1A: Readily combustible solids and solids that may cause fire through friction (medium hazard)		
1.	All	50kg
Subclass 4.1.1B Readily combustible solids and solids that may cause fire through friction (low hazard)		
2.	All	500kg
Subclass 4.1.2A-B: Self reactive - Types A and B		
3.	All	50kg
Subclass 4.1.2C-G: Self reactive - Types C-G		
4.	All	500kg
Subclass 4.1.3A-C: Solid desensitized explosives		
5.	All	5kg
Subclass 4.2A-B: Spontaneously combustible - Pyrophoric substances (high hazard and self heating substances: medium hazard)		
6.	All	50kg
Subclass 4.2C: Spontaneously combustible (self heating substances: low hazard)		
7.	All	500kg
Subclass 4.3A-B: Solids that emit flammable gas when wet (high and medium hazard)		

8.	All	50kg
Subclass 4.3C: Solids that emit flammable gas when wet (low hazard)		
9.	All	500kg

Table A6.4.5 Class 5 – Oxidising substances

Substance		Quantity limit
Subclass 5.1.1A-C: Liquids and solids		
1.	All substances	200 Litres if liquid, 200kg if solid
Subclass 5.1.2A: Gases		
2.	Oxygen (except as stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within medical facilities)	500m ³
3.	Nitrous oxide (except as stored and used in accordance with HSNO and Hazardous Substances Regulations requirements within medical facilities)	0
4.	Chlorine	0
Subclass 5.2A-G: Organic Peroxide - Types A-G		
5.	All - e.g. MEKP Polyester resin catalyst	0.5 Litres

Table A6.4.6 Class 6 – Toxic substances

Substance		Quantity limit
Subclass 6.1A-C: Acutely toxic		
1.	Anhydrous ammonia refrigerant	0
2.	Chlorine	0
3.	All other substances	20 Litres if liquid, 20kg if solid
Subclass 6.1D and E		
4.	Sodium chloride	1000kg
5.	All other substances	1000kg
Subclass 6.3A and B: Skin irritant		
6.	All	1000kg
Subclass 6.4A: Eye irritant		

7.	Cement, hydrated lime and burnt lime	1000kg
8.	Sodium chloride	1000kg
9.	All others	1000kg
Subclass 6.5A and B: Respiratory and contact sensitizers		
10.	Cement, hydrated lime and burnt lime	1000kg
11.	All others	1000kg
Subclass 6.6A and B: Human mutagens		
12.	All	1000kg
Subclass 6.7A and B: Carcinogens		
13.	All	1000kg
Subclass 6.8A-C: Human reproductive or developmental toxicants		
14.	All	0
Subclass 6.9A and B: Substances affecting human target organs or systems		
15.	All	0

Table A6.43.7 Class 7 – Radioactive materials

Substances		Quantity limit
1.	All substances	Up to 100 times the quantities specified in the Type A transport package limit, as identified in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material. Examples include domestic smoke detectors, demonstration radioactive sources in school laboratories.

Note A6.43.7A - General advice

These substances are controlled through the Radiation Protection Act 1965 rather than HSNO and Hazardous Substances Regulations.

1.

Table A6.43.8 Class 8 – Corrosives

Substance	Quantity limit
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Subclass 8.1A: Substances corrosive to metals		
1.	All	1000 Litres
Subclass 8.2A-C: Substances corrosive to skin		
2.	Cement, hydrated lime and burnt lime	1000kg
3.	All	1000 Litres
Subclass 8.3A: Substances corrosive to the eye		
4.	Cement, hydrated lime and burnt lime	1000kg
5.	All	1000 Litres

Table A6.43.9 Class 9 – Ecotoxics

Substance		Quantity limit
Subclass 9.1A-D: Aquatic ecotoxics and Subclass 9.2A-D: Soil ecotoxics		
1.	All substances in below ground tank storage	See base class thresholds.
2.	All substances in all other locations	0
Subclass 9.3A-C: Terrestrial vertebrate ecotoxics		
3.	All substances in all locations	See base class thresholds.
Subclass 9.4A-C: Terrestrial invertebrate ecotoxics		
4.	All substances in all locations	See base class thresholds.

11. Delete Appendices A6.4 to A6.6, titled: *{The Oil Companies appeal point 350}*

- A6.4 Recreation, Rural and Rural Residential and Dunedin Botanic Garden Zones
- A6.5 Dunedin International Airport Zone
- A6.6 Ashburn Clinic, Mercy Hospital and Wakari Hospital Zones

12. Make any consequential changes to plan numbering as required as a result of the above amendments. Minor referencing and style changes may also be made for consistency with the 2GP formatting

Appendix 2

Appellant and DCC Reference number	Relief sought	Section 274 parties (position)
BP Oil New Zealand Limited and Others (DCC Reference number 347)	<p>Amend Policy 2.2.6.2 to improve clarity and to focus on managing risks of hazardous substances to acceptable levels.</p> <p>Delete the requirement to include rules that limit the quantity of hazardous substances that may be used in different environments and instead focus on managing risk to acceptable levels.</p> <p>This could be achieved by making changes along the following lines:</p> <p>Policy 2.2.6.2</p> <p>Manage the risk posed by the storage and use of hazardous substances <u>to an acceptable level</u> so that it is no more than low, including <u>by</u> through rules that:</p> <p>a. <u>Managing the storage and use of hazardous substances in close proximity to sensitive activities and in areas subject to natural hazards limit the quantity of different hazardous substances that may be used in different environments (zones);</u> and</p> <p>b. restrict sensitive activities from locating within a hazard facility mapped area.</p> <p>Make any consequential amendments as a result of the above amendments.</p>	Aurora Energy Limited (Support in part); Bindon Holdings Limited (Oppose); Liquigas Limited (Support in part); Oceana Gold (Support in part); LPG Association (Support)
BP Oil New Zealand Limited and Others (DCC Reference number 348)	<p>Amend Policy 9.2.2.11 as follows:</p> <p>Require hazardous substances to be stored and used in a way that avoids <u>ensures residual</u> risks of adverse effects on the health and safety of people on the site or surrounding sites <u>are managed to acceptable levels</u>, or, if avoidance is not practicable, ensures any adverse effects are no more than low.</p>	Aurora Energy Limited (Neutral); Bindon Holdings Limited (Oppose); Federated Farmers of New Zealand Incorporated (Neutral); Horticulture New Zealand (Support); Liquigas Limited (Support in part); LPG Association (Support); Oceana Gold (Support in part)

<p>BP Oil New Zealand Limited and Others (DCC Reference number 350)</p>	<p>Remove the provisions managing hazardous substances and rely on HSNO unless exceptional circumstances can be demonstrated to exist through a robust s32 analysis for any specific additional control.</p> <p>If there are to be any hazardous substances provisions in the Plan then exempt (as a permitted activity) the underground storage of petrol and diesel and the storage of LPG, at least up to an aggregate of 1250kg in bottle swap facilities, from the hazardous substances quantity limits and storage requirements in the 2GP. This could be achieved by including a statement in the note to each of Appendices A6.1 – A6.7 as follows:</p> <p><u>Except the following are exempt from the hazardous substances quantity limits:</u></p> <p><u>a. The storage of HSNO sub-classes 3.1.A-D liquid petroleum fuels in belowground tanks at sites associated with the retail sale of fuel provided the following codes of practice are adhered to:</u></p> <p><u>i. Below Ground Stationary Container Systems for Petroleum - Design and Installation HSNO COP 44, Environmental Protection Agency, May 2012; and</u></p> <p><u>ii. Below Ground Stationary Container Systems for Petroleum - Operation HSNO COP 45, Environmental Protection Agency May 2012.</u></p> <p><u>b. The storage of HSNO sub-class 2.1.1A LPG at sites associated with the retail sale of fuel up to an aggregate of 1250kg of LPG stored in bottle swap facilities provided AS/NZ 1596:2014 The Storage and Handling of LP Gas is adhered to.</u></p> <p><u>Make any consequential amendments as a result of the above amendments.</u></p>	<p>Aurora Energy Limited; Bindon Holdings Limited (Oppose); Horticulture New Zealand (Support); Liquigas Limited (Support in part); LPG Association (Support); Oceana Gold (Support); Port Otago Limited (Support); Transpower New Zealand Limited (Oppose)</p>
<p>Federated Farmers of New Zealand Incorporated (DCC Reference number 345)</p>	<p>Delete clause a of Policy 2.2.6.2.</p>	<p>BP Oil New Zealand Limited and Others (Neutral); Horticulture New Zealand (Support); Liquigas Limited (Oppose); Oceana Gold (Support), Otago Regional Council (Oppose)</p>

Fonterra Limited (DCC Reference number 172)	Delete Rule 19.6.3 Hazardous Substances Quantity Limits and Storage Requirements and Appendix A6 Hazardous Substances Quantity Limits - A6.2 Commercial and Mixed Use, Industrial, Stadium, Moana Pool, Edgar Centre and Taieri Aerodrome Zones	BP Oil New Zealand Limited and Others (Support); Liquigas Limited (Support in part); Otago Regional Council (Support); Port Otago Limited (Support)
Liquigas Limited (DCC Reference number 80)	Amend Policy 9.2.2.11 as follows: Require hazardous substances to be stored and used in a way that avoids risk of adverse effects on the health and safety of people on the site or surrounding sites or, if avoidance is not practicable, ensures any adverse effects <u>would be managed appropriately (including residual risk associated with the establishment of sensitive uses near sites where hazardous substances are stored and used)</u> are no more than low.	BP Oil New Zealand Limited and Others (Support in part); Fire and Emergency New Zealand (FENZ) (Oppose)
LPG Association of New Zealand (DCC Reference number 178)	Remove Appendices A6.1 – A6.6 so that there is no quantity limit beyond which resource consent is required for the storage and use of LPG by replacing the quantity limits for LPG with the text "No thresholds - any quantity is a permitted activity". Amend Rule 9.3.4.2 by adding the following exception: <u>b. the storage and use of LPG where that storage and use does not trigger a requirement to obtain a compliance certificate under the Health and Safety at Work Act (Hazardous Substances) Regulations 2017 or the Environmental Protection Authority Hazardous Substances (Hazardous Property Controls) Notice 2017.</u> Amend Policy 9.2.2.11 as follows: Require hazardous substances to be stored and used in a way that avoids <u>ensures the</u> risk of adverse effects on the health and safety of people on the site or surrounding sites <u>are managed to acceptable levels</u> or, if avoidance is not practicable, ensures any adverse effects are no more than low.	BP Oil New Zealand Limited and Others (Support); Horticulture New Zealand (Support); Liquigas Limited (Support); Otago Regional Council (Oppose); Transpower New Zealand Limited (Oppose)
Port Otago Ltd – Port Activities (DCC Reference number 368)	The deletion of the Hazardous Substances Quantity Limits and Storage Requirements performance standard for industrial zones within a hazard 2 and 3 (flood), hazard 2 (land instability), hazard 3 (alluvial fan) or hazard 3 (coastal) overlay zone (Rule 9.3.4.1.e) so the industrial zones are not subject to Rule 9.3.4	BP Oil New Zealand Limited and Others (Support); Liquigas Limited (Support in part)

Ravensdown Limited (DCC Reference number 68)	<p>Amend the end of paragraph 4 of the Section 9.1 Introduction to read:</p> <p><u>HSNO places controls on hazardous substances that ensure that they are appropriately stored and used. The HSNO controls will manage the risks that may occur in Dunedin City. Additional controls are included in this Plan where there is a clear resource management issue that the District Plan needs to address.</u></p>	BP Oil New Zealand Limited and Others (Support); Horticulture New Zealand (Support); Liquigas Limited (Support in part); Otago Regional Council (Neutral)
Ravensdown Limited (DCC Reference number 72)	Deletion of the hazardous substances quantity limits and storage requirements as performance standard (i) from Rule 19.3.4.19 (development activity status for the storage and use of hazardous substances activity in the Industrial and Industrial Port zones).	BP Oil New Zealand Limited and Others (Support); Liquigas Limited (Support in part); Otago Regional Council (Oppose)
Ravensdown Limited (DCC Reference number 77)	<p>Amend Policy 9.2.2.11 as follows:</p> <p>Require hazardous substances to be stored and used in a way that avoids risk of adverse effects on the health and safety of people on the site or surrounding sites or, if avoidance is not practicable, ensures any adverse effects are no more than low <u>through meeting controls placed on hazardous substances through the HSNO provisions.</u></p>	BP Oil New Zealand Limited and Others (Support); Horticulture New Zealand (Support); Liquigas Limited (Support in part); Oceana Gold (Support); Otago Regional Council (Neutral)
Ravensdown Limited (DCC Reference number 79)	Delete Rule 9.3.4.1.e (Hazardous substances quantity limits and storage requirements performance standard - Industrial zones within a hazard 2 and 3 (flood), hazard 2 (land instability), hazard 3 (alluvial fan) or hazard 3 (coastal) overlay zone.	BP Oil New Zealand Limited and Others (Support); Liquigas Limited (Support in part); Otago Regional Council (Neutral); Port Otago Limited (Support)
Ravensdown Limited (DCC Reference number point 344)	Delete clause a of Policy 2.2.6.2	BP Oil New Zealand Limited and Others (Neutral); Horticulture New Zealand (Support); Otago Regional Council (Neutral)
Transpower New Zealand Limited (DCC Reference number 144)	<p>Amend Rule 9.3.4.3.j as follows, so that activities involving substances of HSNO sub-class 1.5 are not exempt from Rule 9.3.4:</p> <p>"activities involving substances of HSNO sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 6.3, 6.4, 9.1D and 9.2D unless other hazard classification applies".</p>	Aurora Energy Limited (Support in part); Federated Farmers of New Zealand Incorporated (Neutral)

University of Otago (DCC Reference number 213 (part))	Delete Policy 9.2.2.11, Hazardous Substances Quantity Limits and Storage Requirements in the Invermay and Hercus, Dunedin Public Hospital, Campus, and Otago Museum zones (Rule 9.3.4.1.c) and the Hazardous Substances Quantity Limits and Storage Requirements performance standard in section 34 (Campus) (Rule 34.6.5).	None
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