

## **Supporting information for the section 8A hearings of the proposed Waikato District Plan.**

Submitter number 573

The LPGA represents all major LPG companies in New Zealand. It was founded in 1977, and is responsible for:

- Setting industry technical and safety standards, and working with members and other stakeholders to promote the safe and efficient use of LPG;
- Working with Government and officials to develop effective and responsible legislative and regulatory environments;
- Producing Codes of Practice and contributing to relevant Standards;
- Ensuring appropriate cylinder filling training is available for industry personnel and producing training materials;
- Supporting members efforts to promote LPG;
- Gathering statistical information on LPG use in New Zealand; and
- Providing a forum for members to share relevant information and keep up to date with developments.

The LPGA strives to promote the safe and increased use of LPG throughout New Zealand and works to secure a favourable environment for the production, marketing and distribution of LPG. The Association also serves as the principal voice of the LPG industry to government and the community.

### **3. Overview of Submission**

The treatment of hazardous substances in district plans, including LPG, has always varied widely between local authorities. The Association has always struggled to find any logical reasons for this. LPG is the same substance regardless of where in the country it is stored and used.

It is also governed by the same legislation, HSNO and HSWA. These regulatory regimes are unusual in the fact that they contain the detailed technical requirements which cover all the risk and effects for LPG. These technical requirements are very similar to those used in Australia, the UK and the US.

District plans have over the years either used the activity tables to establish trigger limits for LPG to designate the activities as permitted or conditional etc, or the HFSP.

Both of these systems have been used to produce greatly varying trigger limits for LPG, depending on what the LA, or their consultant, believed to be correct.

This illogical approach to setting controls under the RMA led eventually to the Hearings Panel decision on the draft Christchurch City plan and then the amendments to the RMA itself to specifically remove the requirements for LA's to include hazardous substances in the plan, except for specific circumstances.

### **RMA requirements.**

The Ministry for the Environment produced guides for how district plans should deal with hazardous substances and a guide was also issued by the Quality Planning institute. The crux of both of these guides and of the RMA itself, is that:

***Sections 30 and 31 of the RMA have been amended to remove the control of hazardous substances as an explicit function of councils. This means councils no longer have an explicit obligation to regulate hazardous substances in RMA plans, or policy statements. Consequential changes have also been made to the HSNO Act and the HSW Act in light of this change.***

***The intent of this change is to remove the perception that councils must always place controls on hazardous substances under the RMA, and to ensure councils only place additional controls on hazardous substances if they are necessary to control effects under the RMA that are not covered by the HSNO or HSW Acts.***

***In most cases HSNO and Worksafe controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances.***

And Yet the proposed Waikato district plan uses the same old trigger limit activity table approach, that has been used for many years, which is not site specific but simply a district wide set of requirements based on arbitrary quantity trigger levels for a hazardous substance type and land use zoning.

Indeed, in terms of LPG, the proposed activity table is the same as that proposed for the replacement Christchurch district plan of 2015, which was rebutted by the hearings panel.

It is ironic to note that the Christchurch CC plan that was in operation until the proposed replacement plan, had considerably higher trigger limits for LPG, and had been operating quite successfully and safely for the previous 8 years or so.

#### **Summary.**

We are objecting to the use of the proposed activity table approach, because it is not only non-compliant with the requirements of the RMA, but more importantly it:

- increase costs for users of relatively small amounts of LPG, who have to apply for unnecessary resource consents, for no discernible safety outcomes.
- duplicates the requirements of existing legislation for users of relatively small amounts of LPG.
- Complicates the planning process for users of relatively small amounts of LPG.

I have included with this email a copy of the Ministry for the Environment guide and the link to the Quality Planning website and the decision of the Christchurch CC hearings.

Yours Sincerely

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