

Submission or Further Submission Number	Notified Provision	Support/Oppose	Rationale	Relief Sought with additions in red underline, deletions in red strikethrough (alternative relief may achieve the same outcome)	S42a Recommendation	OilCo position
123.2	<i>Definition – Residual Risk</i>	<b>Support in part</b>	Residual risk is the level of risk that remains after mitigation measures have been undertaken.	<b>Amend to:</b> <i>Residual Risk: means, in relation to the Hazardous Substances chapter, <u>the level of any remaining</u> risk of an adverse effect after other industry controls (including mitigation), legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998, the Health and Safety at Work (Hazardous Substances) Regulations 2017, and regional planning instruments have been complied with.</i>	<b>Reject the submission</b>	<b>Accept the Recommendation.</b>
123.3	<i>CL-01</i>	<b>Support in part</b>	CL-01 introduces a temporal requirement in that land needs to be made safe before any development. This is not always necessary or appropriate. Risk needs to be managed and there may be different levels of risk over time. For example, land could be suitable for residential use but there may be a potential maintenance and excavation worker risk for anyone digging the ground and installing services later. This may mean certain precautions or mitigations need to be maintained or put in place post development. These are often managed through a Site Management Plan.	<b>Provide further clarity that the intent of the objective relates to ensuring there is a level of management of any contamination (and which may need to be ongoing) relative to the sensitivity of the intended use.</b>  <b>Amend to:</b> <i>Contaminated land is identified and <del>made-managed</del> so that any residual human health risk is and remains <u>acceptable and safe for its intended use</u> <del>and human health before any subdivision, change of use or development.</del></i>	<b>Reject the submission</b>  The submission amends the outcome for contaminated land beyond the scope of supporting the NES-CS regulatory framework.	<b>See hearing statement</b>
123.4	<i>CL-P1</i>	<b>Support</b>		<b>Retain CL-P1 as currently worded</b>	<b>Accept the submission</b>	<b>Support the Recommendation</b>
123.5	<i>CL-P2</i>	<b>Support</b>		<b>Retain CL-P2 as currently worded.</b>	<b>Accept the submission</b>	<b>Support the Recommendation</b>
123.6	<i>CL-P3</i>	<b>Support in part</b>	Management can be an essential component of ensuring positive social, economic and health outcomes for people and communities, as prescribed within the NESCS.	<b>Amend to:</b> <i>Recognise that the <u>management, treatment and remediation of contaminated land</u> can provide positive social, economic and health effects for people and the community.</i>	<b>Accept the submission and amend CL-P3</b>	<b>Support the Recommendation</b>
123.7	<i>Rules</i>	<b>Support</b>		<b>Retain rules as currently worded</b>	<b>Accept the submission</b>	<b>Support the Recommendation</b>
123.8	<i>HAZS-01</i>	<b>Support</b>	It is not considered appropriate to protect a value or place from residual risk (i.e., after mitigation has occurred) - the test must be about the acceptability of the risk rather than whether there is zero risk.  International risk acceptance criteria (especially those used in NZ in the absence of specific NZ derived criteria) generally establish different levels of acceptable risk for different environments. A zero-risk objective would mean that there may be no pest control allowed in the area for example.	<b>Remove reference to residual risk and refer to the acceptability of a risk as follows:</b>  <i>People and the identified values and qualities of the Overlays in Schedules 2 to 11 are protected from <u>any unacceptable level of residual risk</u> of the use, storage and disposal of hazardous substances.</i>	<b>Accept the submission</b>	<b>Support the Recommendation</b>
123.9	<i>HAZS-02</i>	<b>Support</b>		<b>Retain HAZS-02 as currently worded</b>	<b>Accept the Submission</b>	<b>Support the Recommendation</b>
123.10	<i>HAZS-P1</i>	<b>Support</b>		<b>Retain HAZS-P1 as currently worded.</b>	<b>Accept the Submission</b>	<b>Support the Recommendation</b>
123.11	<i>HAZS-P2</i>	<b>Support in part</b>	The use of avoid at the start of the sentence is somewhat contrary to the intent of the policy, as it then further seeks to remedy and mitigate residual risks to an acceptable level.	<b>Clarify the intent of policy HAZS-P2</b> <b>Amend to:</b> <i>Avoid use and development which uses, stores or disposes of hazardous substances from locating in</i>	<b>Accept the submission</b>	<b>Accept the Recommendation, although it is necessary to add a 'd' to demonstrated.</b>

				areas where they may adversely affect the health and wellbeing of people and communities, unless <del>they can</del> <u>it can be demonstrated</u> that the residual risk to people and communities will be avoided, <u>or where avoidance is not practicable, remedied or mitigated to an acceptable level.</u>		
123.12	HAZS-P3	<b>Oppose</b>	Requires avoidance of residual risk is nonsensical, as by its on nature, residual risk is the risk that remains after mitigation is applied. The wording as stated effectively requires a zero-tolerance approach and would result in unintended impediments.	<b>Amend to:</b> <i>Avoid use and development which uses, stores or disposes of hazardous substances, from locating within the following areas, unless it can be demonstrated that the residual risk to the identified values and qualities of these areas <del>will be avoided, or where avoidance is not practicable, remedied or mitigated</del> is acceptable:</i>	<b>Reject the Submission (3.3)</b>  Council considers the effects-based hierarchy and high threshold in the notified HAZ-P3 to be more appropriate than the submitter's requested amendments in achieving the objectives of the PDP and the purpose of the RMA.  Management approach in the policy is like that in HAZ-P2	<b>Accept the Recommendation</b>
123.13	HAZS-P4	<b>Support</b>		<b>Retain HAZS-P4 as currently worded.</b>	<b>Accept the Submission</b>	<b>Support the Recommendation</b>
123.14	Haz rules	<b>Support</b>	The Oil Companies support the absence of rules and reliance on existing regulations under WorkSafe and HSNO.	<b>Retain as notified</b>	<b>Accept the recommendation</b>	<b>Support the Recommendation</b>
123.15	General	<b>Support in part</b>	Support the intent and clarification on the application of the NH rules by: "If the building or the activity is not partially or fully located within the Natural Hazard Overlay, then the natural hazard rules will not be triggered".		<b>Accept the Submission</b>	<b>Support the Recommendation</b>
123.16	NH-O1 Risk from natural hazards	<b>Support</b>		<b>Retain NH-O1 as currently worded</b>	<b>Accept the submission in part.</b>  <b>Amend to:</b> Subdivision, use and development in the Natural Hazard Overlay do not significantly increase the risk to life, <u>infrastructure</u> or property and do not reduce the ability for communities to recover from a natural hazard event.	<b>Support the Recommendation</b>
123.17	NH-O2 Planned mitigation works	<b>Support</b>		<b>Retain NH-O2 as currently worded</b>	<b>Accept the submission in part.</b>  <b>Amend to:</b> There is reduced risk to life, <u>infrastructure</u> and property from flood hazards through planned mitigation works.	<b>Support the Recommendation</b>
123.18	NH-P1 Identification and mapping of natural hazards	<b>Support</b>		<b>Retain NH-P1 as currently worded</b>	<b>Accept the submission</b>	<b>Support the Recommendation</b>
81.421 (FS49.11)	NH-R6 Kainga Ora	<b>Support in part (KO)</b>	The Oil Companies supported the relief sought by KO on the basis that the proposed provisions are not reflective of the risk profile.	<b>KO sought the following amendment:</b>  <i>NH-R6-1.a: "located above the 1:100 year flood level, where this level is <del>the bottom of</del> below the floor joists"</i>  KO also sought precluding limited notification as well as full notification; and Discretionary activity status for proposals that are unable to comply with NH-R6-1.b	<b>Council Accepts the Submission in part</b>  Council accepts the amendment to NH-R6-1.a to make the rule more robust.  However, Council rejects the reduction in activity status for hazard-sensitive activities within 20m of the Ohariu or Pukerua Faults, as It is inconsistent with NH-P2 and does not reflect the high-risk profile of this hazard and the vulnerability of the activities.	<b>Accept the Recommendation</b>

<p>11.36 (FS49.4)</p>	<p>NH-R6 Porirua City Council</p>	<p><b>Support in Part</b></p>	<p>PCC stated that NH-R6-1.b was intended to apply to the area within fault rupture zones that is outside an area 20m either side of the fault itself. Where Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities are proposed within 20m, rule NHR8 applies. They also a non-complying activity through NH-R6-3.</p> <p>The proposed wording of NH-R6-1.c was omitted from the rule in error, the policy intent was to manage Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities in this area as a restricted discretionary activity. Currently there is no rule trigger applying to this area defined as low hazard in APP10.</p> <p>The Oil Companies supported the relief sought on the basis that NH-R6-1.b. should apply to activities within 20m of the fault itself but sought a discretionary activity pathway.</p>	<p><b>PCC sought the following amendment:</b></p> <ul style="list-style-type: none"> <li>a. Any buildings within a Flood Hazard - Ponding Overlay are located above the 1:100 year flood level, where this level is the bottom of the floor joists or the base of the concrete floor slab; or</li> <li>b. Any buildings and activities <del>are</del> <u>located within the Pukerua Fault Rupture Zone or the Ohariu Fault Rupture Zone are located no closer than 20m from either fault</u><del>the Pukerua Fault Rupture Zone or the Ohariu Fault Rupture Zone.</del>; or</li> <li>c. Any buildings and activities <del>are located</del> <u>within the Moonshine Fault Rupture Zone are located within 20m of either side of the Moonshine Fault.</u></li> </ul> <p><i>Note: To avoid doubt, once the Moonshine Fault is located through sitespecific investigation, there are areas within the mapped Moonshine Fault Rupture Zone that will be outside of 20m of either side of the Fault Line. These areas are not a Low Hazard Area, and are therefore not subject to the Natural Hazard chapter rules (unless affected by another hazard such as a Flood Hazard).</i></p>	<p><b>Council Accepts the Submission in part</b></p> <p>Council rejects the reduction in activity status for hazard-sensitive activities within 20m of the Ohariu or Pukerua Faults as it would be inconsistent with NH-P2 and does not reflect the high-risk profile of this hazard.</p> <p>Council accepts amendments to NH-R6-1.b and NH-R6-1.c.</p> <p><b>Amended to:</b> Activity status: Restricted discretionary Where:</p> <ul style="list-style-type: none"> <li>a. Any buildings within a Flood Hazard - <del>Ponding Inundation</del> <u>Inundation</u> Overlay are located above the 1:100-year flood level, where this level is <u>below the bottom</u> of the floor joists or the base of the concrete floor slab; or</li> <li>b. Any buildings and activities <del>are located</del> <u>within the Pukerua Fault Rupture Zone or the Ohariu Fault Rupture Zone are located no closer than 20m from either fault</u><del>side of either.</del>;</li> <li>c. <u>Any buildings and activities within the Moonshine Fault Rupture Zone are located within 20m of either side of the Moonshine Fault.</u></li> </ul> <p><i>Matters of discretion are restricted to:</i> 1. The matters in NH-P4. Notification: An application under this rule is precluded from being publicly notified in accordance with section 95B of the RMA.</p> <p><i>Note: To avoid doubt, once the Moonshine Fault is located through sitespecific investigation, there are areas within the mapped Moonshine Fault Rupture Zone that will be outside of 20m of either side of the Fault Line. These areas are not a Low Hazard Area and are therefore not subject to the Natural Hazard chapter rules (unless affected by another hazard such as a Flood Hazard).</i></p>	<p><b>Accept the Recommendation</b></p>
<p>81.423</p>	<p>NH-R8 Kainga Ora</p>	<p><b>Support</b></p>	<p>KO sought the deletion of the reference to Natural Hazard Overlays and that the consent category for NH-R8 is amended from non-complying to discretionary.</p> <p>The Oil Companies supported the relief sought on the basis that the proposed provisions as a NCA would significantly constrain the use and development of the city centre.</p>	<p><b>KO sought the following amendment:</b> NH-R8 Any Hazard-Sensitive Activity and Potentially-Hazard-Sensitive Activity and associated buildings within the High Hazard Areas <del>in a Natural Hazard Overlay</del></p> <p>City Centre Zone 1. Activity status: <del>Non-complying Discretionary</del> <u>All zones except the City Centre Zone</u> Activity status: <u>non-complying</u></p>	<p><b>Reject the Submission, retain NH-R8 as notified.</b></p> <p>The policy setting needs to remain a “high bar”, recognising the high level of risk. Council does not agree with any reduction in activity status in NH-R8.</p>	<p><b>Accept the Recommendation</b></p>