



20-D-02111

s 9(2)(a)

Dear s 9(2)(a)

Thank you for your email of 3 November 2020, following on your email of 20 August regarding regulations for service stations near residential areas. Your correspondence was initially logged under the Official Information Act 1982, however the Ministry for the Environment (the Ministry) is responding to your questions through this letter.

The Ministry replied to your earlier email on 14 September, explaining that requirements for service stations are generally managed in district plans prepared by local authorities under the Resource Management Act 1991 (RMA) and they are responsible for issuing consents for new service stations. The Ministry sponsors guidance on Hazardous Facilities through the Quality Planning website, but does not regulate these facilities.

From the documents that you have attached to your email, I understand that in this case the Upper Hutt City Council (UHCC) has granted the application for the resource consent, subject to conditions.

Your email expresses concern about possible health impacts for yourself and others living close to the proposed service station. This matter was considered by the UHCC during the resource consent process, and the Ministry does not play a role in local resource consent decision making.

You have asked about the regulation of public health risks posed by the use and storage of hazardous substances. These are managed by the Environmental Protection Authority (for non-work risks) and WorkSafe New Zealand (for risks in workplaces). You can find more information about these regulations by visiting their respective websites at:

<https://www.epa.govt.nz/industry-areas/hazardous-substances/> and  
<https://worksafe.govt.nz/topic-and-industry/hazardous-substances> .

You have taken the appropriate approach by submitting on this matter during the resource consent process. There are further options available to you, and these are outlined in this guidance document produced by the Ministry:

<http://www.mfe.govt.nz/publications/rma/everyday-guide-rma-resolving-resource-management-act-concerns> .

If, after reviewing the guidance, you remain concerned with the council's handling of your concerns, you may wish to seek your own legal advice on the matters you have raised. Additionally, you may wish to approach the Office of the Ombudsman. The Office of the Ombudsman is an independent body which investigates complaints about processes run by central and local government: <http://www.ombudsman.parliament.nz> .

Yours sincerely



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Released under the provisions of the Official Information Act 1982