

Overview

Hazardous substances include petroleum products, explosives and medical waste as well as industrial, agricultural and household chemicals. These substances pose potential threats to the health and safety of people and can have significant adverse effects on the environment.

There is a wide range of legislation and industry standards controlling hazardous substances. Principal amongst those is the Hazardous Substances and New Organisms Act 1996 (HSNO) and its associated regulations. These instruments contain the primary legislative requirements for managing the manufacture, import, transportation, storage, use and disposal of hazardous substances. HSNO is administered by the Ministry for the Environment and implemented by the Environmental Protection Authority (EPA), Ministry of Business, Innovation and Employment and WorkSafe New Zealand. WorkSafe New Zealand is also responsible for implementing the Health and Safety at Work Act 2015 (HSW).

The rules in this chapter seek to avoid any duplication of regulation with HSNO and HSW and only apply to significant hazardous facilities which are defined in this plan. Most existing significant hazardous facilities are located in the industrial and rural production zones and the aerodrome precinct (PREC3). The rules in this chapter provide an allowance for existing significant hazardous facilities, recognising both the role of HSNO and HSW in managing effects, and the significance of these industries to the district's economic and social wellbeing. Facilities which exceed this allowance will need to demonstrate through a resource consent process, that the expanded facility is appropriately located, designed and constructed. The increased sensitivity of the receiving environments in some zones means that no allowance has been made for the expansion of significant hazardous facilities in these locations.

A new significant hazardous facility proposing to locate within the district requires a resource consent. The level of consent is dependent on the zone the facility is proposing to locate within and whether the site is located within a coastal hazard or hazard area and/or close to a water body. New significant hazardous facilities within sensitive environments, or that could adversely affect sensitive environments are to be avoided.

Objective

Refer also to the relevant objectives in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

HS-O1. To reduce levels of risk to people, property and the environment from significant hazardous facilities.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

HS-P1. Ensure that existing significant hazardous facilities proposing to significantly increase the use, storage or handling of hazardous substances have appropriately located, designed and constructed on-site facilities that are operated so that adverse effects on the environment and human health will be

internalised within the site. Where internalisation of effects cannot be achieved, the facility must:

1. Avoid unacceptable risk; and
2. Minimise residual risk to the extent that is reasonably practicable.

HS-P2. Outside of the industrial and rural production zones and the aerodrome precinct (PREC3), new significant hazardous facilities may only be considered where:

1. Robust protection measures are proposed to avoid adverse effects on the receiving environment; and
2. There is an operational and functional need to locate in that area.

HS-P3. Ensure new significant hazardous facilities avoid locating adjacent to water bodies or within hazard areas or coastal hazard areas unless there is a functional need for them to do so and they are able to demonstrate that they do not pose an increased risk to people, property and the environment.

HS-P4. Where the location of new significant hazardous facilities is considered appropriate, ensure that the site layout, construction, operation, facilities and emergency management systems provided are designed to avoid accidental or unintentional release, or loss of control (such as spills and gas escapes) of hazardous substances.

Note: See the [national electricity and gas transmission chapter](#) for provisions relating to buildings storing hazardous substances within the national grid yard

Rules

The rules that apply to hazardous substances are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- HS - Table 1 - Activities Rules; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this plan, including activity status abbreviations.

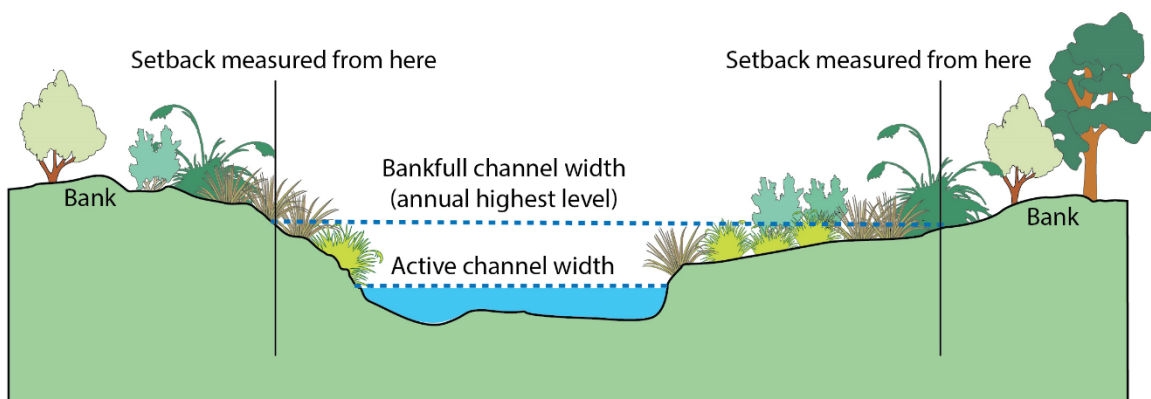
Pursuant to Section 86B(3) of the RMA, the following rules that protect or relate to water have immediate legal effect: HS-R1.2 and HS-R2.3.

HS - Table 1 - Activities Rules

The rules in this table apply to significant hazardous facilities in all zones		
HS-R1.	Significant hazardous facilities existing at 20 October 2022 which propose to increase the use, storage or handling of hazardous substances	
Industrial and rural production zones and aerodrome precinct (PREC3)	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The use, storage, or handling of hazardous substances increases by no more than 20% from the base figure over a 5 year period; and 2. The use, storage, or handling of hazardous substances must be setback at least 50 m from the edge of any water body as measured from the bankfull channel width (see HS – Figure 1). 	<p>Activity status where compliance is not achieved: DIS</p>
All other zones and precincts	<p>Activity Status: DIS</p>	<p>Activity status where compliance is not achieved: N/A</p>
HS-R2.	New significant hazardous facilities	
General rural zone, industrial and rural production zones and aerodrome precinct (PREC3)	<p>Activity Status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The new significant hazardous facility is not located in a hazard area or a coastal hazard area; and 2. The new significant hazardous facility is not located within the national grid yard or within 60 m of the gas transmission network; and 3. The new significant hazardous facility must be setback at least 50 m from the edge of any water body as measured from the bankfull channel width (see HS – Figure 1). 	<p>Activity status where compliance is not achieved: NC</p>
All other zones and precincts	<p>Activity Status: NC</p>	<p>Activity status where compliance is not achieved: N/A</p>

HAZARDOUS SUBSTANCES

HS - Figure 1



For the purposes of HS-R1 and HS-R2, a water body is:

- (i) A perennial watercourse with a bankfull channel width of 2 m or more; or
- (ii) A lake equal to or larger than 0.25 ha.

Advice Notes

Calculation of the base figure

The base figure is the average volume of hazardous substances used, stored or handled on-site between 1 January 2020 and 31 December 2020.

Other legislation

The use, storage, handling and transportation of hazardous substances is also controlled by the Hazardous Substances and New Organisms Act 1996 and the Health and Safety at Work Act 2015. All premises using, storing, handling and transporting hazardous substances hazardous facilities must comply with this legislation.

HS – Table 2 - Performance Standards

There are no Performance Standards