

SECTION 12: HAZARDOUS SUBSTANCES RULES

Note: The “grey-out” highlighted text indicates the rules which have immediate legal effect on notification of the Proposed District Plan. This rules are still open for submission.

The Hazardous Substances and New Organisms (HSNO) Act 1996 and associated regulations are the primary legal mechanisms for managing the manufacture, import, transportation, storage, use and disposal of hazardous substances. The HSNO Act 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.

The Resource Management Act (RMA) 1991 enables District Councils through their District Plans to include additional land use controls for the prevention or mitigation of any adverse effects of the storage, use, disposal and transport of hazardous substances. For example, controls relating to the location of hazardous facilities, their potential impacts on other land uses and the natural environment, and the transport of hazardous substances that are undertaken as part of the hazardous facility's operation.

The District Plan rules below seek to avoid any duplication of regulation with the HSNO Act, and only apply controls to ensure the appropriate location and design of hazardous facilities.

The rules contained in this apply to all Zones in the District Plan, unless specifically stated to the contrary.

12.1 EXEMPTIONS

The following hazardous substances, facilities and activities are not subject to the provisions of this chapter:

- (a) Trade waste, sewer and waste treatment or disposal facilities.
- (b) Storage or use of hazardous substances for private domestic purposes.
- (c) Retail outlets for the domestic usage and sale of hazardous substances including supermarkets, hardware shops and pharmacies.
- (d) Facilities using genetically modified or new organisms.
- (e) Gas and oil pipelines.
- (f) Fuel in motor vehicles, boats and small domestic engines.
- (g) Storage and use of hazardous substances in association with any temporary military training activity, in compliance with the Code of Practice developed as Defence Force Orders, through the Defence Act 1990.
- (h) Agrichemical use, storage and transportation where these activities are carried out in compliance with the NZ S8409:2004 Management of Agrichemicals.
- (i) Storage and processing of milk on farms provided any spillage is contained within the site and prevented from entering a water body, or from seeping into groundwater.

- (j) Transportation of hazardous substances associated with seismic surveys.

12.2 CATEGORIES OF ACTIVITIES

12.2.1 PERMITTED ACTIVITIES

- (a) The use, storage or handling of hazardous substances in a Hazardous Facility provided that they comply with the relevant performance standards in Section 12.3.

12.2.2 CONTROLLED ACTIVITIES

None.

12.2.3 RESTRICTED DISCRETIONARY ACTIVITIES

None.

12.2.4 DISCRETIONARY ACTIVITIES

- (a) Any hazardous facility that does not comply with one or more of the performance standards in Section 12.3.
- (b) Major Hazardous Facility.
- (c) In the Rural Industrial Zone, any existing major hazardous facility which increases the use, storage or handling of hazardous substances by no more than 20% over the base figure (this base figure is the average volume of hazardous substances used, stored or handled on site between 1 January 2015 and 31 December 2015).

12.2.5 NON-COMPLYING ACTIVITIES

None.

12.2.6 PROHIBITED ACTIVITIES

None.

12.3 PERFORMANCE STANDARDS – PERMITTED ACTIVITIES

The following Performance Standards apply to all permitted activities, except those exempt from the standards as set out in Section 12.1.

12.3.1 Activities

1. Hazardous facilities shall be located no closer than 200m of a sensitive activity.

12.3.2 Water

1. Hazardous facilities shall not be located within the catchments of:
 - (i) The Hangatahua (Stony) River (as shown in Hazardous Substances Appendix 1); or
 - (ii) The Lake Rotokare Scenic Reserve (as identified on the Planning Maps as ONF/L8).
2. The Hazardous Facility shall not be located adjacent to:
 - (i) Significant Waterbodies (as identified in Schedule 5); or
 - (ii) Regionally Significant Wetlands (as identified in Schedule 6).
3. The Hazardous facility can demonstrate that the unplanned/unintended release of a hazardous substance can be reasonably managed to minimise the risk of discharge to:
 - (i) Significant Waterbodies (as identified in Schedule 5); or
 - (ii) Regionally Significant Wetlands (as identified in Schedule 6).

12.3.3 Habitats

1. The Hazardous Facility shall not be located within or adjacent to a Significant Natural Area identified in Schedule 2.
2. The Hazardous facility can demonstrate that the unplanned/unintended release of a hazardous substance can be reasonably managed to minimise the risk of discharge to a Significant Natural Area identified in Schedule 2.

12.3.4 Natural Hazards

1. Hazardous Facilities shall not be located within:
 - (i) A Flood Hazard Area or the Coastal Protection Area identified on the Planning Maps; or
 - (ii) 50m of a Significant Waterbody identified in Schedule 5.

12.4 Hazardous Substances Appendix 1: Hangatahua (Stony) River Catchment (Performance Standard 12.3.2)

