

Hazardous Substances (HAZS)

Introduction

Hazardous substance use and its storage can pose potential risks for human and ecological health and safety, and for property. These risks are primarily managed by the HSNO Act, HSW Act, Health and Safety at Work (Major Hazard Facilities) Regulations 2016, and the Health and Safety at Work (Hazardous Substances) Regulations 2017.

To avoid duplication, the District Plan seeks to control effects that are not managed by the other more specific legislation (such as those outlined above) or regulated by the CRC, or zone provisions in the District Plan. This includes managing the location of major hazard facilities, using or storing hazardous substances in relation to the location of sensitive activities and managing effects of a low probability but a high potential impact. The District Plan relies on the identification of these facilities through the major hazard facility threshold, outlined in Health and Safety at work (Major Hazard Facilities) Regulations 2016.

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan.

Objectives and Policies

Objectives	
HAZS-O1	<u>Storage and Use</u> and Storage¹ of Hazardous Substances
The benefits of the use and storage of hazardous substances are recognised while protecting human health and the environment from risks associated with these activities <u>to an appropriate level</u> . ²	
HAZS-O2	Sensitive Activities <u>Sensitive Activities in proximity to Major Hazard Facilities</u>³
Reverse sensitivity effects of sensitive activities on existing major hazard facilities are managed, and unacceptable risks to the sensitive activity are avoided.	
Policies	
HAZS-P1	Storage and Use of Hazardous Substances
Enable activities (excluding major hazard facilities) involving the use and storage of hazardous substances in all zones while managing the residual risk to people, property and the environment to acceptable levels.	
HAZS-P2	Management of Major Hazard Facilities
Require major hazard facilities to be appropriately located <u>and designed</u> ⁴ so as to:	
1. Mitigate potential cumulative effects of locating within proximity to another major hazard facility; and 2. Protect the health and safety of the community to an acceptable level by internalising effects through site location, layout and design.	
HAZS-P3	Location of Sensitive Activities
Ensure any new sensitive activity is separated from any existing major hazard facility to:	
1. minimise the potential for reverse sensitivity effects on the major hazard facility, and	

¹ Clause 16(2)

² Meridian (39.03)

³ Meridian (39.04)

⁴ DOC (42.03)

2. avoid unacceptable risk to the sensitive activity.⁵

Rules

HAZS-R1	Use and/or Storage of Hazardous Substances, Excluding a Major Hazard Facility	
All Zones	Activity Status: PER Where: It is located outside a High Flood Hazard Area.	Activity status when compliance is not achieved with R1.1: RDIS Matters of discretion are restricted to: The extent to which hazardous substances can be safely contained to avoid inundation by floodwater or contamination of land or water in the event of a 0.5% AEP 1:500 year <u>ARI</u>⁶ flood event.
HAZS-R2	New Major Hazard Facilities and Additions or Alterations to Existing Major Hazard Facilities	
GIZ, AIRPZ, TESPZ (Industrial Area only)	Activity Status: RDIS Where: - A Quantitative Risk Based Assessment is provided which determines the level of risk associated with the proposal and identifies any potential cumulative risks (including <u>cumulative risks</u>)⁷ to existing sensitive activities; and - The facility is not located within a High Flood Hazard Area; - The facility is not located within the Fault Hazard (Critical Infrastructure) <u>Assessment</u>⁸ Area Overlay; - The facility is not located within a Community Drinking Water Supply Protection Area Overlay; - The facility is not located within the Hydro Inundation Hazard Overlay; and - The facility is not located within the National Grid yard.	Activity status when compliance is not achieved with R2.1 – R2.6: DIS

⁵ Meridian (39.05)

⁶ CRC (50.15)

⁷ NHC (29.07)

⁸ Clause 16(2)

	Matters of discretion are restricted to: a. HAZS-MD1	
GRUZ	Activity Status: DIS	
All other Zones	Activity Status: NC	
HAZS-R3	Sensitive Activities on a Site Adjoining a Major Hazard Facility	
All Zones	Activity Status: RDIS Matters of discretion are restricted to: 1. The risks associated with locating in proximity to the major hazard facility that are identified in a Quantitative Risk Assessment; ⁹ and 2. <u>The potential reserve sensitivity effects of the sensitive activity on the effective and efficient operation and maintenance of major hazard facilities.</u> ⁹	
HAZS-R4	Sensitive Activities on the Same Site as a Major Hazard Facility	
All Zones	Activity Status: NC	

Matters of Discretion

HAZS-MD1 Major Hazard Facilities

- a. The outcomes of the Quantitative Risk Assessment of the activity, which must include the use of either the individual fatality risk contour or the maximum credible fatality distance, taking account features of the site and surrounding environment which may affect the site specific contour.
- b. Any proposed mitigation in relation to risk identified by the Quantitative Risk Assessment that are not controlled by other legislation or regional council functions.
- c. Any effects relating to natural hazards, community drinking water supply and hydro inundation areas identified in the District Plan, including the extent to which hazardous substances can be contained to avoid inundation by floodwater or contamination of land or water in the event of a 0.2% 1:500 year ARI¹⁰ flood event.
- d. The level of risk relating to the nature and volume of the hazardous substances, except where this is controlled by other legislation, including the:
 - i. Potential risk and effect on human health and safety, and on neighbouring sensitive activities;

⁹ Meridian (39.06)

¹⁰ Clause 10(2)(b) relating to CRC (50.15)

- ii. Potential effects on sensitive activities that would be permitted in a zone near to the major hazard facility; and
 - iii. Potential for cumulative adverse effects to arise associated with other major hazard facilities in the surrounding area.
- e. Any positive effects of the major hazard facility.
- f. The operational and function need for a major hazard facility to locate in that location.