

HS - Matū mōrearea - Hazardous Substances

Introduction

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

The District Plan should not duplicate specific legislation or the functions of Regional Council but can control effects that are not otherwise managed. This chapter addresses risk that is not controlled by zone provisions, Regional Council or other legislation. This includes the location of major hazard facilities using or storing hazardous substances, the location of sensitive activities and locations in areas that are prone to flood hazard natural hazards¹.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to hazardous substances include:

- Energy and Infrastructure: this chapter contains rules for energy and infrastructure such as fuel and gas distribution, and² storage and also addresses hazardous substances, amongst other activities, located in the National Grid Yard³.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
HS-O1	<p>Hazardous substance use, storage and disposal</p> <p>Hazardous substance use, storage and disposal activities are <u>enabled and</u>⁴ located, <u>and in the case of flood events managed,</u>⁵ so that:</p> <ol style="list-style-type: none"> 1. risk to people, property and the environment from any major hazard facility is minimised, including avoiding unacceptable risk to sensitive activities; 2. risk to any sensitive area is minimised; and 3. risk to land and water as a result of <u>natural hazards, including</u>⁶ flood events, is minimised.

¹ ECan [316.33]. Hazardous Substances s42A.

² Transpower [195.54]. Hazardous Substances s42A:

³ Transpower [195.54]. Hazardous Substances s42A:

⁴ Fuel Companies [276.2]. Hazardous Substances s42A.

⁵ Fuel Companies [276.2]. Hazardous Substances s42A.

⁶ ECan [316.34]. Hazardous Substances s42A.

HS-O2	<p>Sensitive activities</p> <p>The location of any new sensitive activity minimises reverse sensitivity effects on any existing major hazard facility, and avoids unacceptable risk to the sensitive activity.</p>
Policies	
HS-P1	<p>New major hazard facility</p> <p>Minimise risk to people, property and the environment from any new major hazard facility, or any addition to a major hazard facility by:</p> <ol style="list-style-type: none"> 1. identifying risk to human and ecological health and safety, and to property, through a QRA of any proposed activity, including its site characteristics and any cumulative risk from the use, storage and disposal of hazardous substances on other sites; 2. ensuring the location provides sufficient separation from any sensitive activity to minimise any risk identified in a QRA for the activity and avoids unacceptable risk to existing sensitive activities; 3. locating outside <u>of the National Grid Yard</u>,⁷ any areas of significant indigenous vegetation, significant habitats for indigenous fauna and Sites and Areas of Significance to Māori, and zones and overlays where sensitive areas or activities predominate; and 4. locating outside any high hazard area unless risk associated with the hazard can be mitigated to protect human, and environmental, health and safety.
HS-P2	<p>Sensitive activity location</p> <p>Ensure any new sensitive activity is sufficiently separated from any existing major hazard facility to minimise reverse sensitivity effects for the major hazard facility, and avoid unacceptable risk to the sensitive activity.</p>
HS-P3	<p>Hazardous substance storage and flood hazards</p> <p>Within the Non-Urban Flood Assessment Overlay, Urban Flood Assessment Overlay and the Kaiapoi Fixed Minimum Finished Floor Level Overlay⁸, <u>any flood hazard overlays</u>,⁹ any hazardous substance shall be stored to minimise the risk of spillage or leakage and contamination of land and water in a flood event <u>or from sea water inundation</u>.¹⁰</p>

Activity Rules

HS-R1A	<u>Aboveground hH</u>¹¹ hazardous substance storage and use
	<i>This rule does not apply to any major hazard facility provided for under HS-R2.</i>

⁷ Transpower [195.55]. Hazardous Substances s42A.

⁸: Natural Hazards s42A consequential amendment. Hazardous Substances s42A/Reply Report

⁹ ECan [316.38]. Hazardous Substances Reply Report.

¹⁰ ECan [316.38]. Hazardous Substances s42A.

¹¹ Fuel Companies [276.5]. Hazardous Substances Reply Report.

<p>Urban Flood Assessment Overlay</p> <p>Non-Urban Flood Assessment Overlay</p> <p>Kaiapoi Fixed Minimum Finished Floor Level Overlay¹²</p> <p>Coastal Flood Assessment Overlay¹³</p>	<p>Activity status: PER Where:</p> <p>1. Above ground¹⁴ storage of hazardous substances within any hazardous facility is at, or above the finished floor level established either by the Kaiapoi Fixed Minimum Finished Floor Level Overlay,¹⁵ or by a Flood Assessment Certificate issued in accordance with NH-S1, or by a Coastal Flood Assessment¹⁶ Certificate issued in accordance with NH-S2.¹⁷</p>	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to:</p> <p>HS-MD1 - Hazardous substances</p>
<p>HS-R1B</p>	<p>Underground hH¹⁸azardous substance storage and use</p>	
<p><i>This rule does not apply to any major hazard facility provided for under HS-R2.</i></p>		

¹² Natural Hazards s42A consequential amendment. Hazardous Substances Reply Report.

¹³ ECan [316.39]. Hazardous Substances s42A.

¹⁴ Fuel Companies [276.5]. Hazardous Substances Reply Report.

¹⁵ Natural Hazards s42A consequential amendment. Hazardous Substances s42A.

¹⁶ Natural Hazards s42A consequential amendment. Hazardous Substances s42A.

¹⁷ ECan [316.39]. Hazardous Substances s42A.

¹⁸ Fuel Companies [276.5]. Hazardous Substances Reply Report.



<p>Urban Flood Assessment Overlay</p> <p>Non-Urban Flood Assessment Overlay</p> <p>Kaiapoi Fixed Minimum Finished Floor Level Overlay¹⁹</p> <p>Coastal Flood Assessment Overlay²⁰</p>	<p>Activity status: PER</p> <p>Where:</p> <p>the storage of hazardous substances within any hazardous facility is at, or above the finished floor level established either by the Kaiapoi Fixed Minimum Finished Floor Level Overlay or by a Flood Assessment Certificate issued in accordance with NH-S1.</p> <p><u>1. The underground storage within any hazardous facility:</u></p> <p><u>a. is undertaken in accordance with HSNOCOP 44 Below Ground Stationary Container Systems for Petroleum – Design and Installation and HSNOCOP 45 Below Ground Stationary Container Systems for Petroleum – Operation, for matters that pertain to the potential stability and containment of hazardous substances in a flood event; and</u></p> <p><u>b. provides protection measures to prevent a release of</u></p>	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>HS-MD1 - Hazardous substances</p>
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¹⁹ Natural Hazards s42A consequential amendment. Hazardous Substances Reply Report:

²⁰ ECan [316.39]. Hazardous Substances s42A.

	<p><u>hazardous substance.</u>²¹</p>	
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²¹ Fuel Companies [276.5]. Hazardous Substances Reply Report.

HS-R2		Any new major hazard facility or addition to a major hazard facility
<p>General Industrial Zone</p> <p>Heavy Industrial Zone</p>	<p>Activity status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> the activity is not located within a SASM or Fault Awareness Overlay; <p> and</p> <ol style="list-style-type: none"> the activity is not located within a High Flood Hazard Area, High Coastal Flood Hazard Area,²² or the Ashley Fault Avoidance Overlay. <p>Matters of discretion are restricted to:</p> <p>HS-MD1 - Hazardous substances</p>	<p>Activity status when compliance not achieved with HS-R2 (1): DIS</p> <p>Activity status when compliance not achieved with HS-R2 (2): NC</p>
<p>General Rural Zone</p>	<p>Activity status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> the activity is not located within any SNA or SASM; <p> and</p> <ol style="list-style-type: none"> the activity is not located within a Fault Awareness Overlay, the Ashley Fault Avoidance Overlay, a High Flood Hazard Area or a High Coastal Flood²³ Hazard Area. 	<p>Activity status when compliance not achieved: NC</p>
<p>Rural Lifestyle Zone</p> <p>Residential Zones</p> <p>Commercial and Mixed Use Zones</p> <p>Light Industrial Zone</p>	<p>Activity status: NC</p>	<p>Activity status when compliance not achieved: N/A</p>

²² Natural Hazards s42A consequential amendment. Hazardous Substances Reply Report.

²³ Natural Hazards s42A consequential amendment. Hazardous Substances Reply Report.

Open Space and Recreation Zones		
Special Purpose Zones		
HS-R3	Sensitive activity located within a Major Hazard Facility	
All Zones	Activity Status: NC	Activity status when compliance not achieved: N/A
	Advisory Note <ul style="list-style-type: none"> • Sensitive activity within the site of any major hazard facility or within any Risk Management Contour shown on the planning map. 	

Advice Note

HS-AN1	<p>Activities and structures may also be subject to controls outside the District Plan. Reference should also be made to any other applicable rules or constraints within other legislation or ownership requirements including the following:</p> <ol style="list-style-type: none"> 1. There are additional controls for hazardous substances under the HSNO, the HSWA, Health and Safety at Work (Major Hazard Facilities) Regulations 2016, and Health and Safety at Work (Hazardous Substances) Regulations 2017. These are administered by the Environmental Protection Authority and WorkSafe New Zealand; 2. The rules in this chapter are for any residual risk from hazardous substances on human health and the environment that is not controlled through other legislation, or by the Regional Council. Resource consent may also be required from the Regional Council in relation to hazardous substances, under the LWRP and the CARP. The LWRP contains rules for the discharge and storage of hazardous substances including storage near water bodies, bores, community drinking water and faults. The CARP manages the effects of discharges to air on health and sensitive activities; and 3. Resource consent may be required from the District Council under the NESCS, which prescribes the methods that may be used to assess and manage land that is contaminated, or potentially contaminated from an activity or industry on the HAIL. The Regional Council is to be advised when contaminated land is identified. Resource consent may also be required from Regional Council in relation to disturbance of contaminated land.
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Matters of Discretion

HS-MD1	Hazardous substances <ol style="list-style-type: none"> 1. QRA of the activity, including use of either the individual fatality risk contour or the maximum credible fatality distance, taking into account
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	<p>features of the site and surrounding environment which may affect the site-specific contour.</p> <ol style="list-style-type: none">2. Proposed mitigation in relation to risk identified by the QRA that are not controlled by other legislation or regional council functions.3. Any effects relating to natural hazard areas identified in the District Plan, including 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 flood event for low and medium hazard and a 0.2% AEP flood event for high hazard.4. The level of risk relating to the nature and volume of the hazardous substance, except where this is controlled by other legislation, including the:<ol style="list-style-type: none">a. probability and potential consequences of an accident leading to the loss of control of hazardous substances;b. potential effects on natural ecosystems and life-supporting capacity of land and water from escape or spillage;c. potential risk and effect on sites and areas of significance to Māori as set out in SASM-SCHED1;d. potential risk and effect on the human health and safety, and on neighbouring activities such as residential activities and areas where people congregate, and the amenity values of these areas and activities;e. potential effects on sensitive activities that would be permitted in the zone near a major hazard facility; andf. potential for cumulative adverse effects considering other activities in the surrounding area that store, use, or dispose of hazardous substances.5. Reverse sensitivity effects from a sensitive activity on the functioning of a major hazard facility.6. Effects on any sensitive activity from a major hazard facility establishing in that location.7. The operational need or functional need for a major hazard facility, or sensitive activity to locate in that location.8. Any positive effects of the major hazard facility.
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