

## **Appendix A: Hazardous Substances chapter – Tracked Changes**

**Red underline and strike-out**: show additions and deletions to the notified Ngā Matū Mōrearea Hazardous Substances Chapter as recommended in the section 42A Report dated 13 May 2024.

**Green underline and strike-out**: show further additions and deletions to the s42A Report version of the Ngā Matū Mōrearea Hazardous Substances Chapter as recommended in the Supplementary Planning Evidence dated 4 June 2024.

**Blue underline and strike-out**: show additions and deletions to the Supplementary Planning Evidence version of the Ngā Matū Mōrearea Hazardous Substances Chapter as recommended in the Right of Reply dated 19 July 2024.

# Hazardous Substances

HS	Hazardous Substances
----	----------------------

## Introduction

The purpose of the Hazardous Substances Chapter is to protect people, communities and identified areas and their values from the residual risk of facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances. This chapter also seeks to separate sensitive activities and hazardous facilities and activities in order to minimise reverse sensitivity effects and unacceptable residual risk.

Hazardous substances are controlled by a wide range of legislation and subordinate instruments, the primary piece of legislation being the Hazardous Substances and New Organisms Act 1996. Additional controls include the Land Transport Act 1998, Building Act 2004, Health and Safety at Work (Major Hazard Facilities) Regulations 2016, and Health and Safety at Work (Hazardous Substances) Regulations 2017. In addition, there are also industry standards that provide guidelines to industry participants. Greater Wellington Regional Council, among other government bodies, also has a role in the management of hazardous substances<sup>1</sup>. specifically to regulate the discharge of hazardous substances and administer the Selected Land Use Register (SLUR) that provides a regional database of sites that have, or may have, been used for hazardous activities and industries.

The District Plan manages only the residual risk and cumulative risk to the health and wellbeing of people and communities, and adverse effects on identified areas and their values after statutory rules and controls, including any subordinate hazardous substances instruments that are in place are complied with.

Objectives	
HS-O1	<p><b>Protection from unacceptable residual risk</b></p> <p>People, communities, and identified areas are protected from any unacceptable residual risk of facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances.</p>
HS-O2	<p><b>Protection of established facilities</b></p> <p>Sensitive activities are appropriately located to avoid reverse sensitivity effects and unacceptable residual risk from established hazardous facilities.</p>
Policies	
HS-P1	<p><b>Residual risk to people and communities</b></p> <p>Avoid facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances from locating in <del>in</del> <u>A areas</u> where they may adversely affect human health;</p> <p><del>1. A Natural Hazard Area;</del>  <del>2. A Significant Natural Area;</del>  <del>3. An Outstanding Natural Feature;</del>  <del>4. An Outstanding Natural Landscape;</del>  <del>5. A Special Amenity Landscape; and</del>  <del>6. A Site or Area of Significance to Māori;</del></p> <p>unless it can be demonstrated that the residual risk to human health, people and communities <del>or these identified areas and their values</del> will be avoided or, if avoidance is not possible, <del>unacceptable risk is adequately</del> mitigated <u>to an acceptable level.</u></p>

<p><b><u>HS-P2</u></b></p>	<p><b><u>Residual risk to sensitive environments</u></b>  <u>Avoid facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances from locating in:</u></p> <ol style="list-style-type: none"> <li>1. <u>A Significant Natural Area;</u></li> <li>2. <u>An Outstanding Natural Feature;</u></li> <li>3. <u>An Outstanding Natural Landscape;</u></li> <li>4. <u>A Special Amenity Landscape; and</u></li> <li>5. <u>A Site or Area of Significance to Māori;</u></li> </ol> <p><u>unless it can be demonstrated that the residual risk to these identified areas and their values will be avoided or, if avoidance is not possible, mitigated to an acceptable level.</u></p>
<p><b><u>HS-P23</u></b></p>	<p><b>Location of hazardous facilities and activities</b>          Require a new or expanding activity, including a major hazard facility, involving the manufacture, use, storage, transportation or disposal of hazardous substances to be appropriately located so as to:</p> <ol style="list-style-type: none"> <li>a. Mitigate the individual and cumulative residual risk associated with activities and facilities locating within close proximity of one another; and</li> <li>b. Avoid unacceptable residual risk to people and sensitive activities by internalising effects through site layout and design.</li> </ol>
<p><b><u>HS-P34</u></b></p>	<p><b>Sensitive activities</b>          Avoid sensitive activities locating in proximity to a major hazard facility where they have the potential to be exposed to unacceptable residual risk and/or may otherwise constrain the development, operation, upgrading or maintenance of an existing major hazard facility.</p>
<p><b>Rules</b></p>	
<p><b>HS-R1</b></p>	<p><b>The manufacture, use, storage, transportation or disposal of hazardous substances</b></p>
<p>1. Activity status: <b>Permitted</b></p>	
<p><b>HS-R2</b></p>	<p><b>Existing Major Hazard Facility</b></p>
<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. The activity does not change the risk profile of the major hazard facility, as measured from the date of notification of this Plan.</li> </ol>	
<p>2. Activity status: <b>Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance with the requirements of HS-R2.1 cannot be achieved; or</li> <li>b. There is a more than 10% increase in the volume of hazardous substances manufactured, used, stored, transported or disposed of.</li> </ol> <p>Section 88 information requirements for applications:</p> <ol style="list-style-type: none"> <li>1. Applications under this rule must provide, in addition to the standard information requirements:             <ol style="list-style-type: none"> <li>a. A Quantitative Risk Assessment for the site that includes:                 <ol style="list-style-type: none"> <li>i. The mapped extent of the area which has the potential to cause an unacceptable level of risk;</li> <li>ii. The probability and potential consequences of an accident leading to the release or loss of control of hazardous substances;</li> <li>iii. Potential risks and effects on sensitive activities, sensitive environments, and adjacent hazardous facilities and/or activities; and</li> <li>iv. The potential for unacceptable residual risk including cumulative residual risk, having particular regard to separation distances, alternative locations, and site layout.</li> </ol> </li> </ol> </li> </ol>	
<p><b>HS-R3</b></p>	<p><b>New Major Hazard Facility</b></p>

<p><u>General Industrial Zone</u></p> <p><u>Special Purpose Port Zone</u></p>	<p>1. Activity status: <b>Discretionary</b></p> <p><del>Where:</del> <del>a. The activity is located within the General Industrial Zone;</del></p> <p>Section 88 information requirements for applications:</p> <p>1. Applications under this rule must provide, in addition to the standard information requirements:</p> <p>a. A Quantitative Risk Assessment for the site that includes:</p> <ol style="list-style-type: none"> <li>i. The mapped extent of the area which has the potential to cause an unacceptable level of risk;</li> <li>ii. The probability and potential consequences of an accident leading to the release or loss of control of hazardous substances;</li> <li>iii. Potential risks and effects on sensitive activities, sensitive environments, and adjacent hazardous facilities and/or activities; and</li> <li>iv. The potential for unacceptable residual risk including cumulative residual risk, having particular regard to separation distances, alternative locations, and site layout.</li> </ol>
<p><u>All other zones</u></p>	<p>2. Activity status: <b>Non-complying</b></p> <p><del>Where:</del> <del>a. Compliance with the requirements of HS-R3.1 cannot be achieved.</del></p>

## Ngā Tautuhinga Definitions

Term	Meaning
<p><b><u>HAZARDOUS FACILITY</u></b></p>	<p><u>means land or buildings where hazardous substances are manufactured, used, stored, or disposed of. Excludes:</u></p> <ol style="list-style-type: none"> <li><u>a. fuel stored in mobile plants, motor vehicles, boats or small engines;</u></li> <li><u>b. the incidental use and storage of hazardous substances in domestic scale quantities.</u></li> </ol>
<p><b>HAZARDOUS SUBSTANCES</b></p>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance—</p> <ol style="list-style-type: none"> <li>a. with 1 or more of the following intrinsic properties: <ol style="list-style-type: none"> <li>i. explosiveness;</li> <li>ii. flammability;</li> <li>iii. a capacity to oxidise;</li> <li>iv. corrosiveness;</li> <li>v. toxicity (including chronic toxicity);</li> <li>vi. ecotoxicity, with or without bioaccumulation; or</li> </ol> </li> <li>b. which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)</li> </ol>

**MAJOR HAZARD FACILITY**

has the same meaning as the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 - means a facility that WorkSafe has designated as a lower tier major hazard facility or an upper tier major hazard facility under regulation 19 or 20.