

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Appendix 1.1 – Officers Recommended Amendments to the Hazardous Substances Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and strikethrough for deleted text).

Overview

There are activities within the Far North District that use hazardous substances, these may pose a potential threat to the health and safety of communities and the natural environment. Hazardous substances are defined in the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and include substances with radioactive properties or high biological oxygen demand. Substances fall within the definition if they have certain hazardous properties such as explosiveness, flammability or corrosiveness (among other factors) and must be managed, stored, used, transported and disposed of in a safe and secure manner. The HSNO Act regulates the introduction and use of hazardous substances and determines what controls should be in place to mitigate risks to people and the environment. However, the controls under the HSNO Act are substance specific and do not take into account the sensitivity of the receiving environment.

The RMA enables district plans to manage the adverse effects of the storage, use, disposal and transport of hazardous substances, provided these do not duplicate controls in the HSNO Act or other legislation. Land use controls for hazardous substances in district plans may be necessary to manage the risks associated with significant hazardous facilities and their potential impacts on other sensitive activities, incompatible land uses and the natural environment.

Council has responsibilities under the RMA to manage the adverse effects of the use and development of land. This includes the adverse effects that may arise from significant hazardous facilities on sensitive activities and sensitive environments, the risks of natural hazards, cumulative effects (agglomeration of significant hazardous facilities) and reverse sensitivity issues.

Objectives	
HS-O1	The risks associated with the storage, use or disposal of hazardous substances to people, property and the environment are minimised to acceptable levels while recognising the benefits of activities that store, use and dispose of hazardous substances.
HS-O2	Significant hazardous facilities and sensitive activities are managed through separation distances and other methods to avoid to the extent practicable, or otherwise mitigate, reverse sensitivity effects.
Policies	
HS-P1	Manage the effects of hazardous substances by: <ol style="list-style-type: none"> locating, designing, constructing and managing significant hazardous facilities to avoid or mitigate adverse effects and risks to people, property and the environment, particularly sensitive environments and sensitive activities; identifying, assessing and managing risks and adverse effects, including cumulative effects, of significant hazardous facilities so they do not create unacceptable residual risks to people, property and the environment; and

	c. locating land use activities so that the adverse effects and risks of transporting hazardous substances on roading infrastructure and other land use activities are minimised.
HS-P2	Require appropriate separation distances between significant hazardous facilities and sensitive activities to avoid where practicable, or otherwise mitigate, reverse sensitivity effects and the risks to people and property.
HS-P3	Manage new or expanded significant hazardous facilities and sensitive activities to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: <ul style="list-style-type: none"> a. separation distances and other methods to avoid and mitigate risks and adverse effects of significant hazardous facilities on sensitive activities and sensitive environments; b. separation distances and other methods to avoid or mitigate reverse sensitivity effects between significant hazardous facilities and sensitive activities; c. the extent to which adverse effects and risks are adequately managed through other legislation and organisations; d. the type, scale, intensity, duration and frequency of the risks and effects on people, property and the environment; e. site design and layout of the activity and the ability to internalise effects within the site; f. any historical, spiritual or cultural association held by tangata whenua, with regards to the matters set out in Policy TW-P6; g. avoidance or management of risks associated with natural hazards; and h. any potential adverse cumulative effects.
Rules	

Note:

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.

HS-R1	Maintenance and repair <u>and alteration</u> of a significant hazardous facility¹	
All zones	Activity status: Permitted Where: PER-1 The volume of hazardous substances used by the significant hazardous facility does not increase; PER-2 The location of hazardous substances on the site will not be located closer to any sensitive activities. PER-3	Activity status where compliance not achieved with PER-1, PER- 2, PER- 3, or PER-4: Discretionary

¹ S335.005) -Oil Companies

	<p>The type of hazardous substances on the site remains the same;</p> <p>PER-4 Alterations to the significant hazardous facility do not increase any residual risks.</p>	
HS-R2	Establishment of a new significant hazardous facility	
Heavy Industrial zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The new significant hazardous facility is not located within a sensitive environment;</p> <p>PER-2 The new significant hazardous facility is setback at least 250m from a sensitive activity.</p> <p>Note:</p> <ul style="list-style-type: none"> <i>This rule only has immediate legal effect for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource.</i> 	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
Light Industrial zone Rural Production zone Ngawha Innovation and Enterprise Park zone	<p>Activity status: Discretionary</p> <p>Where:</p> <p>DIS-1 The new significant hazardous facility is not located within a sensitive environment;</p> <p>DIS-2 The new significant hazardous facility is setback at least 250m from a sensitive activity;</p> <p>DIS-3 A new significant hazardous facility does not create any residual risk.</p> <p>Note:</p> <ul style="list-style-type: none"> <i>This rule only has immediate legal effect for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource.</i> 	Activity status where compliance not achieved with DIS-1, DIS-2, or DIS-3: Non-complying
All other zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R3	Significant hazardous facility within the coastal environment	

All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R4	Significant hazardous facility within an outstanding natural feature or landscape	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R5	Significant hazardous facility within a scheduled site and area of significance to Māori	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R6	Significant hazardous facility within a significant natural area	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R7	Significant hazardous facility within a flood hazard area	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R8	Significant hazardous facility within a coastal hazard area	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R9	Significant hazardous facility within a scheduled heritage resource	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R10	Significant hazardous facility within 100 metres of the edge of a surface water body	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R11	New sensitive activity	
All zones	Activity status: Non-complying Where: NC-1 The new sensitive activity is located within 250m of a Significant Hazardous Facility.	Activity status where compliance not achieved: Not applicable