

Hazardous Substances (HSUB)

Issues

Hazardous substances are used throughout the District and include a wide range of substances such as medical waste, petroleum products, explosives, and industrial, agricultural and household chemicals. These substances can pose potential threats to the health and safety of people and can have significant adverse effects on the environment. At the same time, their use, storage, manufacture and disposal allow people to provide for their social and economic wellbeing, and their health and safety.

There is a wide range of legislation and industry standards controlling hazardous substances. Principal amongst these is the Hazardous Substances and New Organisms Act 1996 which provides the general framework for controlling hazardous substances during their entire life cycle. There are additional controls relating to hazardous substances in the Proposed Regional Plan for Northland, the Land Transport Act 1998, the Radiation Safety Act 2016, the Building Act 2004, the Health and Safety at Work Act 2015 and the Health and Safety at Work (Hazardous Substances) Regulations 2017.

In addition to the above controls, the District Plan manages adverse effects associated with hazardous substances and potential reverse sensitivity effects through spatial zoning and underlying zone rules.

Given the level of regulation controlling hazardous substances, the Hazardous Substances Chapter seeks to avoid any unnecessary duplication of regulation between the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015 and relevant regulations, and the District Plan. The chapter will address the residual risk to people, property and the environment, and reverse sensitivity after other industry controls and legislation have been complied with, and where consent is required based on other district wide and area specific chapter rules

Objectives

HSUB-O1 Residual Risks

Property, the environment and the health and safety of people are protected from any unacceptable levels of residual risk associated with the location or expansion of facilities that use, store or dispose of hazardous substances.

HSUB-O2 Reverse Sensitivity

Sensitive activities do not constrain or curtail existing areas and activities which use, store or dispose of hazardous substances

Policies

HSUB-P1 Residual Risks First policy

To recognise the role of national and regional organisations, including the Environmental Protection Authority, WorkSafe and Northland Regional Council, in managing hazardous substances and avoid regulating hazardous substances where an adequate level of human health and environmental protection is already provided and there are no identified residual risks.

HSUB-P2 People and Communities

To ensure that activities which use, store or dispose of hazardous substances manage residual risk to people and communities by avoiding such risk, or where avoidance is not practicable, remedying or mitigating such risk to an acceptable level.

HSUB-P3 Sensitive Environments and Areas

To ensure activities which use, store or dispose of hazardous substances which are located within sensitive environments and areas manage the residual risk to people, property and the environment by avoiding such risk, or where avoidance is not practicable, remedying or mitigating such risk to an acceptable level.

HSUB-P4 Reverse Sensitivity

To avoid reverse sensitivity effects by requiring sensitive activities to be appropriately designed and located in relation to existing areas and activities which use, store or dispose of hazardous substances.

New Definitions:

Sensitive Environments and Areas

means:

- a. High Natural Character Areas.
- b. Outstanding Natural Character Areas.
- c. Outstanding Natural Landscapes.
- d. Outstanding Natural Features.
- e. Flood Hazard Areas.
- f. Coastal Hazard Areas.
- g. Mining Hazard Areas.
- h. Sites and Areas of Significance to Māori.
- i. Heritage Buildings, Sites and Objects.
- j. Northpower Critical Electricity Lines.

Residual Risk (This definition only applies to the Hazardous Substances Chapter of the District Plan) means any risk of an adverse effect after other industry controls, legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998, the Health and Safety at Work Act (2015) and regional planning instruments, have been complied with.

Consequential Amendments:

- Delete Hazardous Substances Chapter and Appendices 8a – 8d.
- Delete “hazardous facility” and “hazardous sub facility” definitions.
- Delete the following reference documents from the Referenced Documents Chapter:
 - o Department of Labour, 1992 Code of Practice for Design Installation and Operation of Underground Petroleum System.
 - o AS/NZ 1596:1997 Australian and New Zealand standard for Storage and Handling of LPG.
 - o New Zealand Radiation Protection Regulations 1982.
 - o NZS 8409: 1999 New Zealand Code of Practice for the Management of Agrichemicals.

- o New Zealand Chemical Industry Council 1987 Code of Practice or Warning Signs for Premises Storing Hazardous Substances.
- o New Zealand Ministry for the Environment 1999 Land Use Planning for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facility Operators.