

Hazardous Substances

Introduction

Hazardous substances include a variety of toxic substances such as chemicals, medical waste, petroleum products and gases. Hazardous substances are used throughout the District for many purposes, with their use, storage, and disposal being an integral and essential part of many commercial activities, industrial activities, and rural and domestic activities. However, if not appropriately managed, their storage and use are potential threats to people and the environment.

The Hazardous Substances and New Organisms Act 1996 (HSNO) aims to protect the health and safety of people from the adverse effects of hazardous substances. The Health and Safety at Work Act 2015 (HSW) aims to protect people against harm to their health, safety and welfare caused by risks arising from work. These Acts provide the general framework for controlling hazardous substances during their life cycle. However, they do not take into account the sensitivity of the environment in which hazardous substances are located, or other relevant resource management issues.

Accordingly, the District Plan addresses the following resource management matters concerning hazardous substances:

1. potential adverse effects on sensitive activities and sensitive locations environments;¹
2. reverse sensitivity effects caused by sensitive activities locating too close to hazardous facilities;
3. the risks to hazardous facilities from natural hazards and consequential risks to the environment; and
4. cumulative effects of major hazard facilities locating too close each other.

The adverse effects associated with these resource management issues generally have a low probability of occurring but a high potential impact if they do occur. As such, and as the need to comply with the HSNO and HSW Acts significantly reduces most risks associated with hazardous substances, this chapter focuses on higher risk facilities, being hazardous facilities and major hazard facilities. Major ~~Hazard Facilities~~ are identified through the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.

Proposals for new ~~Major~~ ~~Hazard Facilities~~ (and additions to ~~Major~~ ~~Hazard Facilities~~), will require a Quantitative Risk Assessment to be provided which is prepared by a suitably qualified and experienced practitioner person.² This assessment will help quantify the extent and nature of the risk. ~~Unacceptable risks to human health are defined as an individual human fatality not greater than 1×10^{-6} per year (one in a million). Where a Quantitative Risk Assessment has been prepared, sensitive activities are required to be located outside of the (1×10^{-6} per year) risk area, or if no such assessment exists, at least 250m away from the Major Hazard Facilities.~~³

Objectives

HS-O1	Hazardous substances, use, storage and disposal
	<ol style="list-style-type: none"> 1. The risks associated with the use, storage, <u>and</u> disposal and transportation of hazardous substances are managed; <u>and</u>⁴ 2. For Major Hazard Facilities, occurs where unacceptable risks to the environment and human health are avoided.⁵

¹ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

² RMA Clause 16(2)

³ Timaru Oil Services [155.1] and Fonterra [165.53]

⁴ BP Oil, et al [196.58]

⁵ HS-O1 has been restructured for clarity under clause 16(2)

HS-O2	Sensitive activities
New or expanded sensitive activities are designed and located to minimise reverse sensitivity effects on major hazard facilities and to avoid unacceptable risks to the sensitive activity. ⁶	
Policies	
HS-P1 New Major Hazard Facilities and additions to existing Major Hazard Facilities	
Avoid unacceptable risks of new Major Hazard Facilities and additions to Major Hazard Facilities by:	
<ol style="list-style-type: none"> 1. using Quantitative Risk Assessments to ensure there is no unacceptable risk the risk of an individual human fatality is not greater than 1×10^{-6} per year (one in a million), including cumulative effects;⁷ and 2. ensuring Major Hazard Facilities do not cause unacceptable cumulative effects by locating too close to each other; and 3. locating new⁸ Major Hazard Facilities outside of sensitive locations environments⁹, except for Natural Hazard Areas (not defined as a High Hazard Area); and 4. ensuring, in Natural Hazard Areas (not defined as a High Hazard Area), suitable measures are to be undertaken to: <ol style="list-style-type: none"> a. avoid or minimise adverse effects from natural hazards on hazardous facilities and Major Hazard Facilities; and b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event.¹¹ 	
HS-P2	Repair and maintenance of existing Major Hazard Facilities
Enable the repair and maintenance of existing Major Hazard Facilities.	
HS-P3	Sensitive activities in proximity to Major Hazard Facilities
Require sensitive activities to be sufficiently separated from Major Hazard Facilities to minimise reverse sensitivity effects on the Major Hazard Facilities and to avoid unacceptable risks to the sensitive activity.	
HS-P4	Hazardous facilities (other than Major Hazard Facilities)
<ol style="list-style-type: none"> 1. Enable hazardous facilities (other than Major Hazard Facilities), provided that: <ol style="list-style-type: none"> a. the facility is located outside of a sensitive location environment (except for a Flood Assessment Area); and¹² b. if the facility is located within the Flood Assessment Area Overlay, where the flood hazard can be mitigated; and¹³ 2. Only allow hazardous facilities (other than Major Hazard Facilities) in sensitive locations environments where the risks to the sensitive environments can be avoided in the first instance, or where avoidance is not possible, minimised.¹⁴ 	

⁶ BP Oil, et al [196.59]⁷ Timaru Oil Services [155.1]⁸ BP Oil, et al [196.60]⁹ BP Oil, et al [196.64], PrimePort [175.32] and TDH [186.17]¹⁰ Clause RMA 16(2) as this policy is not about hazardous facilities¹¹ Panel Decision Report, Part 8, Section 4.7¹² BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]¹³ RMA Clause 16(2)¹⁴ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

HS-P5	New major hazard facilities and additions to existing major hazard facilities in natural hazard areas
Ensuring, in natural hazard areas (not defined as a high hazard area), suitable measures are undertaken to:	

- a. avoid or minimise adverse effects from natural hazards on hazardous facilities and¹⁵ major hazard facilities; and
- b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event.¹⁶

Note: Activities not listed in the rules of this chapter are classified as permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

HS-R1	Use and/or storage of hazardous substances in a hazardous facility (excluding Major Hazard Facilities)	
All zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The hazardous facility is located outside a of sensitive <u>locations</u> environment (other than a Flood Assessment Area Overlay),¹⁷ except that hazardous facilities located underground do not need to be located outside of <u>High Hazard Areas, or the Sea Water Inundation Overlay</u>,¹⁸ and</p> <p>PER-2 If located above ground The activity is and¹⁹ within a Flood Assessment Area Overlay, and the hazardous facility has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Assessment Risk Certificate issued in accordance with NH-S1.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of Discretion is are restricted to:</p> <ol style="list-style-type: none"> 1. the level of risk relating to likelihood and consequence of the natural hazard and the toxicity, volume, characteristics, and potential consequences of the hazardous substance; and 2. the extent to which hazardous substances can be safely contained to minimise effects from natural hazards; and 3. Potential effects on land use activities in the surrounding area; and 4. the potential effects on natural ecosystems, sensitive <u>locations environments</u>²⁰ and life-supporting capacity of land and water from escape or spillage; and 5. Potential risk and effects on SASM within the sensitive locations,²¹ and 6. Potential risk to human health and safety; and

¹⁵ Clause RMA 16(2) as this policy is not about hazardous facilities

¹⁶ Panel Decision Report, Part 8, Section 5.11.2

¹⁷ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

¹⁸ BP Oil, et al [196.65]

¹⁹ BP Oil, et al [196.65]

²⁰ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

²¹ BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

		<p>7. Potential effects on natural character and the amenity of sensitive areas and sensitive uses; and²²</p> <p>8. Potential for cumulative effects of other activities where hazardous substances are stored, used or disposed of; and</p> <p>8. <u>the potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa within the sensitive locations, and any measures to avoid, remedy or mitigate adverse effects.</u>²³</p>
HS-R2	Maintenance and, repair, upgrades, additions and alterations of Major Hazard Facilities	
All Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p><u>The activity does not increase the risk profile of the Major Hazard Facilities as stated in a Quantitative Risk Assessment prepared by a suitably qualified and experienced practitioner; and</u></p> <p>PER-2</p> <p><u>The volume of total hazardous substances manufactured, used, stored, or disposed of at the Major Hazard Facilities does not increase by more than 10%.²⁴</u></p>	<p>Activity status when compliance not achieved: Not applicable-Discretionary</p>
HS-R3	Sensitive activities, including subdivision to create a new allotments to accommodate future sensitive activities, in proximity to a Major Hazard Facilities	
All Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>Where a Quantitative Risk Assessment has been prepared by a suitably qualified <u>and experienced practitioner</u> person²⁵ for a Major Hazard Facilities and provided to Timaru District Council and the sensitive activity is located outside any area of unacceptable risk; or</p>	<p>Activity status when compliance not achieved: Non-Complying</p>

²² BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

²³ TRONT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 4

²⁴ Silver Fern Farms [172.43], Alliance Group [173.40], Southern Proteins [140.11] and BP Oil, et al [196.66]

²⁵ RMA Clause 16(2)

	<p>PER-2</p> <p>Where a Quantitative Risk Assessment does not exist for a M<ins>M</ins>ajor H<ins>H</ins>azard F<ins>F</ins>acilities, the sensitive activity is not located within 250m of an existing M<ins>M</ins>ajor H<ins>H</ins>azard F<ins>F</ins>acilities.</p>	
HS-R4	New M<ins>M</ins>ajor H<ins>H</ins>azard F<ins>F</ins>acilities and additions to Major Hazard Facilities²⁶	
All <u>Z</u>ones	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable

²⁶ Southern Proteins [140.12] and BP Oil, et al [196.68]